

Community Use of Public Facilities

Blaise DeFazio

Julia Bauer

Community Use of Public Facilities

OLO Report 2022-5

EXECUTIVE SUMMARY

April 26, 2022

This Office of Legislative Oversight (OLO) report responds to Council's request to understand the functions of the Community Use of Public Facilities (CUPF) and to examine CUPF's and other jurisdictions' before and after school childcare selection processes. This report describes the history and structure of CUPF; reviews the facility reservation process; describes CUPF's facility reservation subsidy programs; examines the department's financial management; reviews before and after school childcare assistance for low-income families; summarizes CUPF's before and after school childcare selection process; and analyzes six before and after school childcare selection case studies linked to challenges identified by stakeholders.

Department Structure

Created in 1978, the Interagency Coordinating Board (ICB) sets and approves policy for CUPF. CUPF is the Executive Branch office that administers the programs and activities necessary for the public use of facilities. These facilities include athletic fields, schools, public libraries, Regional Services Centers, the Silver Spring Civic Building, Council Office and Executive Office Buildings, and the Clarksburg Cottage. Unlike other jurisdictions studied, CUPF permits facilities for government *and* schools; other jurisdictions have separate departments permitting government and school facilities. CUPF is comprised of 36 positions over six sections: the Director's Office, Core Services, Finance, Silver Spring Civic Building, Information Technology, and Weekend/Evening Supervisors.

Communication

A common theme from stakeholders interviewed was that CUPF's external and internal communication has room for improvement. CUPF currently has a lower-level program specialist position that handles department communication.

Facility Reservations

To receive a permit for a facility reservation, users are required to sign a Facility Use License Agreement, ensuring that users agree to the conditions of use for a government facility, along with payment terms. Users can request additional services at facilities for an additional fee such as equipment, use of a kitchen, a cafeteria worker, or security services. Similar to other jurisdictions, CUPF does not provide security at schools and government buildings for standard public use. However, staff at schools keep doors locked during school hours and after hours; they are only opened to allow users a fifteen minute window for entry.

Top Events for Public Use

Facilities	Event
Indoor School Facilities	Childcare
Silver Spring Civic Building	Conferences
Athletic Fields	Leagues
Libraries	Meetings
Regional Services Centers	Meetings
Other County Buildings	Meetings

Note: From FY19; last full year of community use.

Top Buildings/Fields for Public Use

Facilities	Building/Field
Indoor School Facilities	Richard Montgomery HS
Athletic Fields	Cabin John Regional Park
Libraries	Rockville Memorial
Regional Services Centers	Bethesda-Chevy Chase
Other County Buildings	Clarksburg Cottage

Note: From FY19; last full year of community use.

Like other jurisdictions, CUPF prioritizes the use of schools and government buildings, giving priority to the primary tenant, followed by childcare, Parent Teacher Association meetings and activities in schools, government bodies, other publicly supported programs, and high-volume use (sports leagues, weekly cultural/religious assembly, etc.) – before the public. Among the jurisdictions studied, Montgomery County is the only one that explicitly places childcare after the primary tenant for priority ranking. CUPF allows historical use, or the use of facilities/fields based on prior use, to the priority groups.

Users currently make facility reservations online through ActiveMONTGOMERY, interactive PDF data forms, and through static forms depending on the reservation needed. Starting in May 2022, all CUPF facility reservations will be performed online through ActiveMONTGOMERY, due to the County updating its online software from ACTIVENet to RecTrac for CUPF, the Department of Recreation, and Montgomery Parks. The new software’s advantages include greater functionality and flexibility, a relational database structure across all three department, and lower costs.

Facility Reservation Subsidy Programs

CUPF operates two subsidy programs that address the needs of low-income, disadvantaged constituents - the Community Access Program (CAP) for the Silver Spring Civic building (since 2012) and the Facility Fee Assistance Program (FFAP; since 2017). The CAP is traditionally funded at \$150,000 and provides financial assistance and increases opportunities to groups, organizations, and community members using the Silver Spring Civic Building. The FFAP is traditionally funded at \$75,000 and provides financial assistance for user groups that directly benefit vulnerable/at risk youth or limited income individuals and their families. Both programs were successful in distributing the funds in FY19, before the COVID-19 pandemic drastically reduced public facility use. CUPF did receive \$500,000 in additional FFAP funds during the pandemic to expand the availability of youth sports; all the funds were successfully distributed.

Financial Management

CUPF is financially structured as a self-sustaining enterprise fund through user fees, with an annual operating budget of \$8.5 million in FY22. However, other counties studied are general fund-based, with an emphasis on providing services to constituents – as opposed to ensuring user fees cover all costs. CUPF spends 65% of its budget on facility use reimbursements to Montgomery County Public Schools (MCPS) for utilities, custodial supplies, equipment, maintenance, and staff services. The remainder of CUPF’s budget is spent on staff (28%) and other operating costs (7%).

CUPF’s fee structure varies based on the type of facility and can be complicated for users to understand. The last comprehensive fee study occurred in 2002. A 2019 Request for Proposals (RFP) did not yield qualified applicants, and the RFP is now on hold, pending revisions. The 2019 proposed study was planned to cover a market survey, fee assumptions review, reimbursement rate assessment, an expenditure history review, and interviews on existing policies/fees.

Starting in FY14, CUPF had a significant, fee-based fund balance, and it drew from those funds to make a variety of investments to benefit the community at large, such as improving ballfields through additional maintenance and renovations. However, these investments ceased when the COVID-19 pandemic led to a sharp drop in revenues.

Before and After School Childcare Assistance for Low-Income Families

Families looking for before and after school childcare financial assistance in Montgomery County can apply for vouchers through the State of Maryland’s Child Care Scholarship and the Working Parents Assistance Program through the Department of Health and Human Services. Outside of the vouchers, providers can offer financial assistance such as a scholarship or a discount. Other jurisdictions studied have programs that benefit families seeking aid, *directly through the department administering the before and after school childcare program.*

Fairfax County Government	Use a sliding scale for fees, with lower income families paying less.
Fresno County Public Schools	Free for all students attending before and after school care.
Orange County Public Schools	A scholarship program is available to low-income students.

In addition, other jurisdictions studied commonly used federal 21st Century Grants to provide funding for before and after school programs at eligible Title I schools. Organizations in Montgomery County have applied and received funding through these grants, but the use of these funds by the County and MCPS has recently been limited.

Before and After School Childcare Selection Process

CUPF has administered the before and after school childcare selection process since 1986. It has been governed by Executive Regulation 6-17 AM, which dictates the bid schedule (every seven years), communication, the selection committee makeup, evaluation criteria, the appeal process (including remedies), and complaint management. The selection process has been on hold since the fall of 2018 due to two reasons:

1. Conflicting litigation contesting the validity of the process, especially regarding giving sufficient priority to non-profit providers (as required by the State of Maryland). In one case, the judge ruled in favor of the non-profit provider, and in the other case the judge ruled in favor of CUPF.
2. The executive regulation expiring in 2019, giving CUPF and MCPS an opportunity to revise the regulation.

A new executive regulation is not yet in place, but CUPF and MCPS have been meeting about a new process, looking at comparable jurisdictions, and discussing pertinent issues, such as security, for permit holders.

Before and After School Childcare Selection Case Studies

OLO reviewed five counties that have a before and after school care selection process (Baltimore County, MD; Charles County, MD; Frederick County, MD; Orange County, FL; and Prince George's County, MD) and for comparison purposes, one county that runs its own before and after school childcare program (Fairfax County, VA). *Key findings from the childcare selection case studies:*

- All used a Request for Proposals
- A procurement department conducted the bid for all case studies
- Bid cycles varied from five years to "as needed"
- Two MD counties exclusively select non-profit providers – Baltimore and Frederick

Of note, the Fairfax County-run program does not pay facility fees to Fairfax County Public Schools, but it does pay \$1 million annually to offset supplies and operating expenses. The program uses dedicated school space. Principals are not involved in the operations, but other school staff are.

OLO Recommendations and Discussion Items

Recommendations

- 1 Reclassify the Program Specialist who handles CUPF outreach and communications to a Community Outreach Manager or a Communications Manager, to improve CUPF's internal and external communications.
- 2 Create an all-encompassing guidebook on everything related to community use.
- 3 Perform the before and aftercare selection with a Request for Proposals through a procurement office (either through the County or MCPS).
- 4 Consider a comprehensive study that goes beyond the proposed RFP fee study from 2019.

Discussion Items

- 1 Determine what type of department CUPF should be. Is it solely an enterprise department? Or is it providing a public service, such as libraries, and fees are not expected to cover all costs?
- 2 Consider all options available to address affordable before and after school childcare.

For a complete copy of OLO-Report 2022-5, go to:
<http://www.montgomerycountymd.gov/OLO/Reports/CurrentOLOReports.html>

OLO Report 2022-5

Community Use of Public Facilities

Table of Contents

Executive Summary	i
Table of Contents	iv
Introduction	v
1. History and Structure	1
2. Facility Reservations	5
3. Financial Management	17
4. Addressing Low-Income, Disadvantaged, and Vulnerable Constituents	28
5. Before and After School Childcare Selection Process	41
6. Before and After School Childcare Selection Case Studies	48
7. Stakeholder Comments	56
8. Findings, Recommendations, and Discussion Items	59
9. Agency Comments	79
Appendices	84
Appendix A CUPF Fee Schedules	85
<u>Before and After School Childcare Selection Process RFP Excerpt Examples</u>	
Appendix B Request for Proposals – Baltimore County Two-Step Process	94
Appendix C Request for Proposals – Frederick County One-Step Process	98
Appendix D Request for Proposals – Orange County Stated Provider Costs	101
Appendix E Request for Proposals – Prince George’s County Fee Restrictions	101

Introduction

The Community Use of Public Facilities (CUPF) is the County’s operational department that administers how the community may use public schools and other public facilities for non-school related activities. Since its creation in 1978, CUPF has added additional facilities for public use and has become responsible for the administration of facility use subsidy programs and the before and after school childcare program. The facility use subsidy programs have been modified to reflect County Council and County Executive desires to address the low-income, disadvantaged, and vulnerable constituents – while being flexible with needs that arose during the COVID-19 pandemic. The before and after school childcare program administered by CUPF on behalf of Montgomery County Public Schools (MCPS) has been under scrutiny for many years, mainly due to concerns stakeholders have had with the before and after school childcare selection process.

In addition, this enterprise-funded department has created a complex array of user groups and associated fee schedules. The department’s previously large fund balance decreased sharply in recent years due to limited use during the COVID-19 pandemic. These rapid changes in fund balance have renewed questions about whether CUPF should remain a fully-funded enterprise department or whether general funds should be applied, with more of a focus on providing services for County residents.

In this report, the Council asked OLO to:

- Understand the functions/purpose of CUPF and how these functions align with Council/County objectives; and
- Examine CUPF’s before and after school childcare selection process, reviewing other jurisdictions’ practices, and how relevant these strategies might be to Montgomery County.

The report is organized as follows:

- **Chapter 1 – History and Structure:** describes CUPF’s history and how the department is arranged;
- **Chapter 2 – Facility Reservations:** summarizes CUPF’s facility reservation process, its reservation software, and key characteristics from other jurisdictions’ facility reservation processes;
- **Chapter 3 – Financial Management:** reviews CUPF’s budget, its user groups and fees, its reimbursement payments made to MCPS, and its fund balance;
- **Chapter 4 – Addressing Low-Income, Disadvantaged, and Vulnerable Constituents:** describes CUPF’s subsidy programs for facility use, the landscape of before and after school childcare assistance within the County and what other jurisdictions administer, and County/MCPS/other organizations efforts for before and after school childcare assistance.
- **Chapter 5 – Before and After School Childcare Selection Process:** describes CUPF’s process for placing providers at MCPS, providing a background/timeline of the process, reviews the executive regulation governing the process, summarizes recent lawsuits regarding the process, and discusses the pause in the process;
- **Chapter 6 – Before and After School Childcare Selection Case Studies:** reviews six case studies directly linked to challenges of the before and after school childcare process identified by stakeholders;

- **Chapter 7 – Stakeholder Comments:** summaries stakeholder comments on the overall department and on before and after school childcare; and
- **Chapter 8 – Findings, Recommendations, and Discussion Items:** summarizes the report’s findings and presents recommendations and discussion items.

Methodology. Office of Legislative Oversight (OLO) staff member Blaise DeFazio and summer fellow Julia Bauer conducted this study, with assistance from Natalia Carrizosa, Karen Pecoraro, Leslie Rubin, and Elaine Bonner-Tompkins. To prepare this report, OLO gathered information through document reviews, data analysis, and interviews with staff from Bar-T, Children’s Opportunity Fund, Eritrean American Youth Sports Association, Fairfax County Public Schools, Fresno County Public Schools, Kids After Hours, Loudon County Public Schools, Montgomery Child Care Association, Orange County Public Schools, Rockville Day Care Association, UNITY Youth Development, and Wonders Learning. OLO also received guidance and assistance from staff in CUPF, the Department of Recreation, the Office of the County Executive, Council Central Staff, the Department of Health and Human Services, the Office of Management and Budget, the Public Information Office, Technology and Enterprise Business Solutions, Montgomery Parks, and Montgomery County Public Schools.

OLO received a great level of cooperation from everyone involved in this study. OLO appreciates the information shared and the insights provided by all who participated. In particular, OLO thanks:

County (* - department director)

Fariba Kassiri, ACAO
 Essie McGuire, Council Central Staff
 Vivian Yao, Council Central Staff
 Amina Getaneh, CUPF
 Bill Polman, CUPF
 Eric Rasch, CUPF
 Kareem Davis, CUPF
 Liz Habermann, CUPF (retired)
 Patty Vitale, CUPF
 Paul Hibbard, CUPF
 Ramona-Bell Pearson,* CUPF
 Ron Maxon, CUPF
 Vanessa Lopez-Cuevas, CUPF
 Barbara Andrews, HHS
 Joann Barnes, HHS (retired)
 Yvonne Iscandari, HHS
 Felicia Hyatt, OMB
 Neil Greenberger, PIO
 Allison Cohen, REC
 Amanda DeFilippo, REC
 Michelle Bean, REC

County - continued

Robin Riley,* REC
 Trish Gill, REC
 Vicki Kane, REC
 Spencer Coleman, TEBS

Montgomery County Public Schools

Seth Adams, Department of Facilities Management
 Judy Averbach, Office of Teaching, Learning, and Schools
 Essie McGuire, Assoc. Supt. of Operations (formerly)
 Andrew Zuckerman, Chief Operating Officer (formerly)

Maryland-National Capital Park & Planning Commission
(* - department director)

Christy Turnbull, Montgomery Parks
 Elissa Totin, Montgomery Parks
 Gina Finney, Montgomery Parks
 Grace Yick, Montgomery Parks
 Haviz Adejo, Montgomery Parks
 Jennifer Bland, Montgomery Parks
 Kristi Williams, Montgomery Parks
 Mike Riley,* Montgomery Parks

Other Jurisdictions and School Systems

Melanie Webster, Baltimore County Public Schools
Raymond Prokop, Carroll County Public Schools
Dina Barclay, Charles County Public Schools
Laura Gustafson, Charles County Public Schools
Andrea Flores Shelton, City of San Jose
Hal Spangenberg, City of San Jose
Vicki Garner, Fairfax County Public Schools
Anne Goldstein, Fairfax County Public Schools
Bill Meekins, Frederick County Public Schools
Brent Smither, Fresno County Supt. of Schools
Rebecca Ayling, Loudoun County Public Schools
Dr. Maria Rincon-Dwyer, Orange County P. Schools
Tierra Camp, Prince George's County Public Schools
Gladys Whitehead, Prince George's County P. Schools

Organizations

Joe Richardson, Bar-T
Kimberly Rusnak, Children's Opportunity Fund
Filmon Ghebregiorghis, Eritrean-American Youth Spts. Assoc.
Tesfu Mezghebe, Eritrean-American Youth Sports Assoc.
Yohannes Tedla, Eritrean-American Youth Sports Assoc.
Yonas Ghebreyesus, Eritrean-American Youth Sports Assoc.
Bob Sickels, Kids After Hours
Michelle Green, Montgomery Child Care Association
Laura Bardini, Rockville Day Care Association
Walter Moyer, UNITY Youth Development
Joanne Hurt, Wonders Learning

Chapter 1. History and Structure

The Community Use of Public Facilities (CUPF) provides public users and organizations access to Montgomery County Public Schools and other government facilities for programs, events, and community services. This chapter describes CUPF's history and how the department is arranged, and is organized as follows:

- A. The Creation of the Interagency Coordinating Board and the Community Use of Public Facilities; and
- B. Department Structure.

A. The Creation of the Interagency Coordinating Board and the Community Use of Public Facilities

In 1978 the School Facilities Utilization Act was enacted to administer “the maximum utilization of gyms, playing fields, classrooms and other facilities of the Montgomery County public schools by public and nonpublic agencies, community groups and citizens generally throughout the county, toward the end that these public facilities serve the public on a year-round basis.”¹ The Act created both the Interagency Coordinating Board (ICB) and the Community Use of Schools (now known as the Community Use of Public Facilities) to coordinate the use of public schools.

The ICB was created to set and approve the policy for community use of schools; the Community Use of Schools was created to administer the programs and activities necessary for the public use of schools. Over time the scheduling also included County government facilities and the Community Use of Schools was renamed the “Community Use of Public Facilities” or CUPF.

As part of the School Facilities Utilization Act, the ICB is required to:

- review budget requests,
- recommend fee schedules,
- review and propose modifications in major contracts and grants,
- provide periodic evaluations, advice, and recommendations, and an annual report by March 1 of each year, to the Director, the Board of Education, the Executive, and the Council,
- adopt regulations, and
- recommend how to resolve interagency differences and problems when dealing with community use of facilities.²

¹ [Montgomery County Code Chapter 44, Article I. School Facilities Utilization Act](#)

² Montgomery County Code § 44-3

The ICB consists of nine voting members and three non-voting members:

Voting Members	<ul style="list-style-type: none">• Chief Administrative Officer• Superintendent of Schools• President of Montgomery College• Designated Member of the Maryland-National Capital Park and Planning Commission (M-NCPPC)• County Council Representative• One Resident Appointed by the Superintendent of Schools• Three Residents Appointed by the County Executive and Confirmed by the County Council
Non-Voting Members	<ul style="list-style-type: none">• Board of Education Member• Two People Designated by the Montgomery County Association of Administrators and Principals to Represent Secondary and Elementary School Administrators

Without interrupting MCPS education programs/activities or County operations, CUPF's main duties are to:

- provide information and guidance to community groups, municipal governments, County agencies and other users of school/government facilities in ways to which such facility use could be made more cost effective.
- employ and train school/government facility coordinators and other necessary personnel.
- maintain effective liaison and consultation with school principals, community school councils, community organizations, and user groups to fulfill the following responsibilities, among others:
 - encourage and assist in the formation of community school councils;
 - schedule use of school/government facilities;
 - assure general and proper supervision of non-school use of buildings and other facilities, including the engagement of appropriate on-site personnel;
 - survey community needs and develop outreach and other programs to meet those needs through optimal use of school facilities; and
 - assume responsibility for needed repair or replacement of property resulting from community use.
- influence cooperation among CUPF activities, community programs, and activities carried on in former schools subsequently taken over by the County and multipurpose community centers operated by the County.³
- along with support of the Department of Health and Human Service's Child Care and Early Education Officer, administer the selection of childcare providers in public space, including MCPS facilities according to State law.⁴

While CUPF is the primary permitting authority for schools and County buildings, Montgomery Parks (within M-NCPPC) is the primary permitting authority for park facilities and the Department of Recreation is the primary permitting authority for recreation centers. A list of the rentable facilities, their facility type or rooms that can be rented, and their respective permitting authority is on pages 12-13.

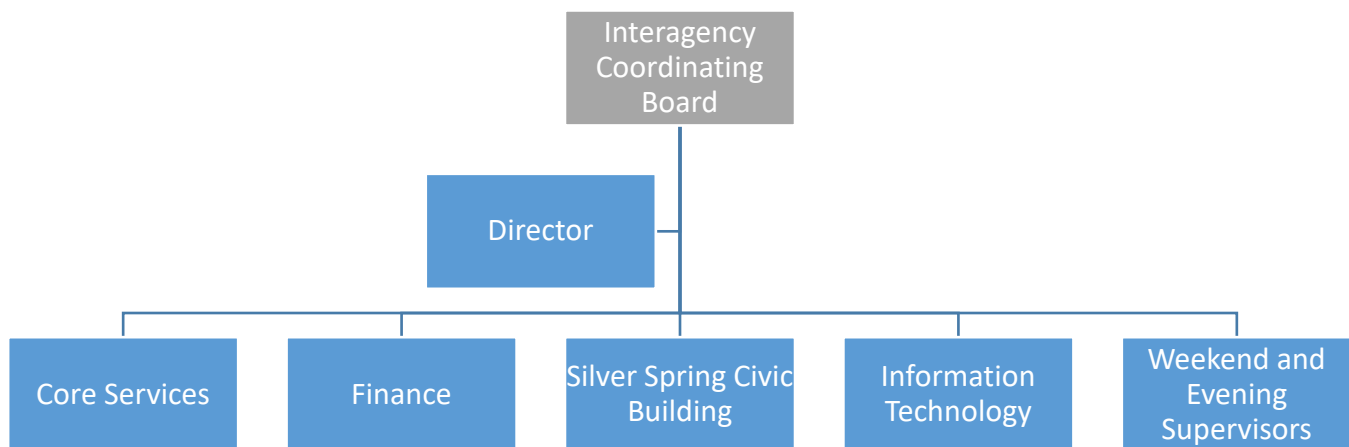
³ Montgomery County Code § 44-4

⁴ Montgomery County Code § 44-4A

B. Department Structure

As previously discussed, the ICB makes policy decisions for CUPF and general oversight of CUPF activities. CUPF has 30 budgeted full-time positions, one part-time position, one seasonal position, and two positions from MCPS over six sections: the Director's Office, Core Services, Finance, Silver Spring Civic Building, Information Technology, and Weekend/Evening Supervisors. The staff is a mix of union and non-union workers, with the program specialists primarily part of the Municipal and County Government Employees Organization (MCGEO) union.

Community Use of Public Facilities Organizational Chart



Director - (2 positions: 1 director and 1 administrative specialist). Administers the activities for public use of school and government facilities.

Core Services – (15 positions: 1 manager, 13 program specialists, and 1 program aide). Provides centralized scheduling of schools, libraries, regional service centers, County meeting rooms, and the Silver Spring Civic Building. Core Services used to include 2 additional program specialists from M-NCPPC who scheduled M-NCPPC fields. See page 4 for further discussion on these M-NCPPC positions.

Finance – (8 positions: 1 manager, 1 program manager, 2 program specialists, 1 administrative specialist, 2 office services coordinators, and 1 fiscal assistant). Provides budget development and execution (including overseeing user fees and MCPS reimbursements) and administrative support. Administers the before and after school childcare selection process at MCPS, along with scheduling the providers at each school. Also manages the Facility Fee Assistance Program, which provides subsidized use for groups that provide community services that directly benefit vulnerable or at-risk youth, or limited income individuals and their families.

Silver Spring Civic Building – (5 positions: 1 manager, 1 program specialist, 1 program aide, 1 principal administrative aide, and 1 seasonal recreation assistant). Provides scheduling and manages the use of the Silver Spring Civic Building and Veteran's Plaza use on-site. Also manages the Community Access Program, which provides subsidized use for groups that hold public events at the Silver Spring Civic Building and/or Veteran's Plaza that benefit the community.

Information Technology – (2 positions: 1 manager and 1 information technology specialist). Provides information technology development and support, including managing the user scheduling software.

Weekend and Evening Supervisors – (2 supervisors from MCPS). Provides support for facility users and groups during non-school and non-government hours.

For FY22, CUPF lapsed five vacant positions to account for the decrease in facility usage, related to the COVID-19 pandemic. Those positions include four program specialists and one part-time principal administrative aide. One program specialist handled CUPF outreach and communications (Finance Team); one assisted with the childcare program (Finance Team); and two were on the Core Services Team. The part-time principal administrative aide was assigned to the Silver Spring Civic Building, staffing the reception desk.

Spotlight: Detailed Staff from Montgomery Parks and MCPS

Montgomery Parks Staff – prior to 2021, two program specialists scheduled Parks fields alongside CUPF staff through a Memorandum of Understanding (MOU) between CUPF and Montgomery Parks. These specialists were physically located with CUPF staff and coordinated scheduling with CUPF staff/management. However, in 2021, CUPF moved from Rockville to their new location in Wheaton, while Parks program specialists moved to the Parks' staff new location. Furthermore, the MOU between CUPF and Parks has lapsed. CUPF staff report that communication between CUPF and Parks staff has been minimal, at best. Parks indicated they would discuss communications issues with CUPF. CUPF and Parks are working towards initiating discussions to renew the MOU.

MCPS Staff – two weekend and evening supervisors work at CUPF, coordinating with MCPS staff to ensure that all community users gain prompt access to facilities and are given immediate assistance with problems during weekend and evening hours. These positions are allocated through the general MOU that MCPS has with CUPF, which also covers annual reimbursements for utilities, custodial supplies, and equipment/maintenance. This MOU has also lapsed, and the reimbursement element is discussed on pages 21-24.

Chapter 2. Facility Reservations

The Community Use of Public Facilities (CUPF) currently performs public facility reservations for Montgomery County schools and government facilities across several mediums including online software, interactive data forms, and static (paper) forms which will all be online in 2022 when new software is implemented. Some users have priority of use depending on groups with which they are affiliated. This chapter will cover these topics along with exploring key facility reservation characteristics for other jurisdictions. This chapter is organized into five sections:

- A. CUPF Reservation Process;
- B. CUPF Permitted Facilities;
- C. Priority Use & Public Scheduling Windows;
- D. Current and Future Online Reservation Systems; and
- E. Other Jurisdictions' Facility Reservation Process Key Characteristics

A. CUPF Reservation Process

Users perform their reservation requests through ActiveMONTGOMERY¹ (using online ACTIVENet² software), interactive PDF data forms, and through static forms depending on the reservation needed. For example, any reservation requests for school rooms (excluding auditoriums) are done online through ActiveMONTGOMERY. However, in order to reserve spaces in the Silver Spring Civic Building, users must fill in static forms that are then entered into ActiveMONTGOMERY. A list of all the CUPF facilities, facility type or room, and type of reservation process is located within the "County Rentable Facility Types and Reservation Processes" are on pages 12-13.

ActiveMONTGOMERY software is scheduled to be replaced in 2022 with Vermont Systems Incorporated (VSI) RecTrac software.³ Following this transition, all CUPF reservation requests made through data and static forms will be online. The "ActiveMONTGOMERY" name will be kept for user familiarity purposes. The Recreation Department and Montgomery Parks implemented the new software in February 2022, but CUPF will be implementing the new system in May 2022. Further discussion of the existing software and new software is on pages 10-13.

User Agreement for Reservations. All permitted users of government facilities in the County are required to sign the Facility Use License Agreement (FULA). The FULA ensures that users agree to the conditions of use for a government facility, along with payment terms.⁴ If a user commits a major use violation, such as bringing weapons, tobacco, illegal drugs, or alcohol on school property, the user or group will receive an 18-month ban from use of facilities.⁵ If a user commits a lesser violation such as leaving trash in a classroom or propping school doors open, the user will receive written warnings for the first two violations, receive an 18-month ban on the third violation, and potentially receive an indefinite ban for further violations.⁶

¹ ActiveMONTGOMERY User [Website](#)

² ACTIVENet Software [Website](#)

³ VSI RecTrac Software [Website](#)

⁴ "Facility Use License Agreement (FULA)," by the Community Use of Public Facilities

⁵ "User Education for Use of Public School Facilities," by CUPF

⁶ Ibid

Security. CUPF coordinates with MCPS and government building staff on the permit schedule. Staff lets users into the building; the users must have a valid permit to enter the building. School doors remain locked during school hours of operation and for before and after school childcare and programs; they are opened for public use after childcare commences on weekdays (6:30PM) and on weekends. According to MCPS protocol, doors should always be locked, only allow a fifteen minute time for entry of scheduled user groups.

CUPF does not provide security at schools and government buildings for standard public use within regular fees. CUPF also does not have a policy that requires ID badges, fingerprinting, or background checks for users and their staff – including those organizations like childcare providers⁷ and afterschool programs that interact or supervise school students. CUPF does allude to security in its Facility Use License Agreement, but it does not have a written, explicit policy. It is, however, clear about activities involving minors. The users must certify that that “users will not have any contact with minors during the activity has ever been convicted of or pleaded (1) guilty, (2) “no contest” or (3) nolo contendere⁸ to a misdemeanor involving sexual misconduct (whether or not resulting in a conviction).”

Additional User Needs. CUPF provides security, other staffing, and equipment at an additional cost – especially for large events⁹ or those needing use of a kitchen, auditorium, or a stadium. Additional staffing may include a building services worker, a building attendant, a cafeteria worker, a media services technician, a user support specialist, security officers, and an event monitor (Silver Spring Civic Building).¹⁰ Equipment includes audio visual use, computer lab use, a piano, scoreboard control unit, kitchen equipment use (security deposit required), warming kitchen (Silver Spring Civic Building), and Great Hall sound/projection (Silver Spring Civic Building).¹¹

B. CUPF Permitted Facilities

CUPF facilitates reservations for public school indoor facilities, the Silver Spring Civic Building, athletic fields, library meetings rooms, regional services centers, the Council Office Building, the Executive Office Building, and other County buildings. Details about the facilities, the rooms or fields rented out, and data on most used facilities, room/field type, and users are below. ActiveMONTGOMERY data from Fiscal Year 2019 was analyzed, since it was the last full year of facility use before the COVID-19 pandemic.

⁷ Childcare providers and afterschool programs may do their own background checks, but they are not required by CUPF for facility use.

⁸ A nolo contendere plea is one where a defendant in a criminal prosecution accepts conviction as though a guilty plea had been entered but does not admit guilt.

⁹ CUPF requires that user groups with large events get security – at an additional cost to the user group.

¹⁰ [Community Use of Public Facilities Fees](#), by CUPF

¹¹ Ibid.

Public school indoor facilities – over 200 school sites that include classrooms, all-purpose rooms, cafeterias, gymnasiums, kitchens, auditoriums, and other rooms (e.g., media rooms, art rooms, etc.)

Most Used Schools		Most Used Rooms		Top Events		Top Users	
<i>School</i>	<i>Hours</i>	<i>Room</i>	<i>Hours</i>	<i>Event Type</i>	<i>Hours</i>	<i>User</i>	<i>Hours</i>
Richard Montgomery HS	11,380	Classroom	250,446	Childcare	173,857	Dept. of Recreation	48,720
Gaithersburg HS	10,971	All Purpose Room	202,001	Camp	76,189	Montgomery College	23,824
Northwest HHS	9,477	Gymnasium	145,480	Class	67,345	Individuals/Unaffiliated	22,739
Winston Churchill HS	9,408	Room - Other	10,314	Indoor Sports	63,734	City of Gaithersburg	8,560
Walter Johnson HS	8,181	Dance Studio	4,889	Partnerships	58,783	American Chinese School	6,053

NOTE: "Room – Other" includes rooms such as the Media Center, Staff Lounge, Wrestling Room, etc. "Partnerships" include those with users such as Montgomery College (Adult ESOL) and the Department of Recreation (Linkages to Learning). "Top Users" does not include childcare since their hours dwarf other user groups' hours; the top childcare users were Bar-T, Kids After Hours, and KidsCo.

The Silver Spring Civic Building – the event facility in downtown Silver Spring has numerous rooms/areas to rent include the great hall, the atrium, conference rooms, activity rooms, a warming kitchen, and the plaza. Associated services can also be included for large events such as building service workers, security officers, event monitors, and sound/projection for the great hall.

Most Used Rooms		Top Events		Top Users	
<i>Room</i>	<i>Hours</i>	<i>Event Type</i>	<i>Hours</i>	<i>User</i>	<i>Hours</i>
Large Activity	6,736	Conference	5,184	Individuals/Unaffiliated	3,814
Ballroom	2,452	Private Celebration	3,672	Haneefiya America	417
Conference	2,335	Cultural Activity	3,222	Mosaic Community Church	373
Kitchen	1,502	Meeting	1,988	Black Therapists Rock	372
Lobby	1,380	Banquet	1,112	Making Cents International	347

Athletic Fields – includes grass fields at elementary, middle, high schools (with school approval), local parks¹², and community recreation centers. Also includes turf fields at a group of high schools and recreational parks.¹³

Most Used Fields		Most Used Field Types		Top Events		Top Users	
<i>Field</i>	<i>Hours</i>	<i>Field Type</i>	<i>Hours</i>	<i>Event Type</i>	<i>Hours</i>	<i>User</i>	<i>Hours</i>
Cabin John Reg. Park	7,112	Local Park	66,735	League	104,721	Beth. CC Baseball Inc.	15,593
Mont. Blair HS Field	4,758	School	52,344	Field - Rectangle	23,199	Individuals/Unaffiliated	12,604
Olney Manor Rec. Park	3,673	Regional Park	18,509	Field - Diamond	15,181	Olney Boys & Girls Club	10,146
Laytonia Rec. Park	3,474	Regional Park Turf	4,840	Field - Turf	4,222	Dept. of Recreation	9,662
James Blake HS Field	2,641	Reg. Park Cricket	3,119	Camp	3,669	Montgomery Soccer Inc.	9,390

¹² Montgomery Parks staff schedules Parks' fields, coordinating with CUPF.

¹³ Montgomery Blair, Gaithersburg, Walter Johnson, Richard Montgomery, and Paint Branch High School; Fairland and Martin Luther King Jr. recreation parks

Facility Reservations

Library Meeting Rooms – includes small, medium, and large rooms at 20 County libraries.

Most Used Libraries		Most Used Rooms		Top Events		Top Users	
<i>Library</i>	<i>Hours</i>	<i>Room</i>	<i>Hours</i>	<i>Event Type</i>	<i>Hours</i>	<i>User</i>	<i>Hours</i>
Rockville Memorial	456	Large	357	Meeting	3,238	MD Vietnamese Mutual Assoc.	149
Gaithersburg Regional	450	Medium	2,105	Class	1	Finley Alexander Wealth Mngt.	78
White Oak Community	352	Small	777			Victor Egbefo Discussion Group	66
Silver Spring Community	350					Democratic Socialists of Amer.	64
Davis Community	300					CJ Campbell & Associates	53

Regional Services Centers – includes small, medium, large, and multipurpose rooms from the Bethesda/Chevy Chase, Eastern Montgomery, Mid-County, and Upcounty regional services centers.

Most Used RSCs		Most Used Rooms		Top Events		Top Users	
<i>RSC</i>	<i>Hours</i>	<i>Room</i>	<i>Hours</i>	<i>Event Type</i>	<i>Hours</i>	<i>User</i>	<i>Hours</i>
Bethesda - Chevy Chase	456	Medium	524	Meeting	1,105	Montgomery College	234
Upcounty	450	Small	486			Wash. Soc. of Psychoanalytic Psych.	61
		Large	95			Toastmasters - Bethesda	42
						Wash. Romance Writers	38
						Dev. Alternatives Inc.	30

Other County Buildings-Council & Executive Office Buildings – includes the Council and Executive Office Buildings, police stations, and the Clarksburg Cottage. Room types include conference rooms, hearing rooms, meeting rooms, cafeterias, auditoriums, and a lobby.

Most Used Buildings		Most Used Rooms		Top Events		Top Users	
<i>Building</i>	<i>Hours</i>	<i>Room</i>	<i>Hours</i>	<i>Event Type</i>	<i>Hours</i>	<i>User</i>	<i>Hours</i>
Clarksburg Cottage	615	Medium	627	Meeting	1,545	Open Door Church	297
Executive Office Building	396	Small	523			Fieaeif University	92
Council Office Building	206	EOB Auditorium	145			Lead for Future Academy	83
District 2 Police Station	177	EOB Cafeteria	128			Inst. For Equity & Excel. In Pub. Edu.	78
District 3 Police Station	151	COB Cafeteria	60			NIH Found. for Adv. Edu. In the Sciences.	72

C. Priority Use and Public Scheduling Windows

When booking facilities or fields, CUPF prioritizes use, especially accommodating instructional and school activity use:

1. Primary tenant (schools or County department)
2. Maryland State Department of Education licensed childcare selected by MCPS
3. Parent Teacher Association meetings and activities in schools
4. Government administrative bodies
5. Other publicly supported programs
6. High-volume use (sports leagues, weekly cultural/religious education and assembly, large events, and summer camps)
7. General public¹⁴

Historical use, or the use of facilities/fields based on prior use, is limited to priority user groups listed above (1-6) and high volume use permits.¹⁵ The historical use groups must make their requests via a PDF form, and then CUPF staff enters their reservations into the ActiveMONTGOMERY system. Once these user groups are booked, then the public has access to facilities based on a first come, first-serve basis. The public users have windows or timeframes to schedule for facilities, as shown in the table below.

Public Scheduling Windows for Facility Use

Open to Public	Building/Field	Period of Use
January 1 st	Silver Spring Civic Building Veterans Plaza	Year-round
February 15 th	Athletic Fields	March 15 th to August 15 th
April 15 th	Public Libraries	July 1 st to December 31 st
May 15 th	Schools & MCPS Facilities	Summer
May 15 th	County Buildings (excluding Libraries)	July 1 st to December 31 st
July 15 th	Athletic Fields	August 16 th to November 30 th
August 1 st	Schools & MCPS Facilities	School Year
October 15 th	Public Libraries	January 1 st to June 30 th
November 15 th	County Buildings (excluding Libraries)	January 1 st to June 30 th
Year-Round	Silver Spring Civic Building Halls/Rooms	Scheduled 12 months in advance for the Half Great Hall and other meeting rooms; scheduled 18 months in advance for the Full Great Hall

Source: ["Definition: Priority Use,"](#) by CUPF

CUPF is in the process of modifying the public scheduling windows so they are consistent across all indoor and outdoor facilities (excluding the Silver Spring Civic Building). The plan is to book all facilities for three months each quarter. For example, if a group wanted to consistently book a classroom for a school in the fall for the current windows setup, they would have to make their reservation request on August 1st (they could book rooms

¹⁴ ["Definition: Priority Use,"](#) by CUPF

¹⁵ [Historical Use,](#) by CUPF. High-volume groups include sports leagues, weekly cultural/religious education and assembly, large events, and summer camps.

for the entire school year). If they wanted to book a meeting room in a County building during the fall as well, they would have to make their reservation request on May 15th (they could book from July through December).

For the new scheduling windows, the groups would make the school and County building reservations on August 1st for the months of September through November. The chart with the windows above would be replaced with a simpler, easy-to-follow schedule (excluding the Silver Spring Civic Building).

Planned Public Scheduling Windows for Facility Use for All Indoor and Outdoor Facilities

Open to Public	Period of Use
May 1 st	June through August (Summer)
August 1 st	September through November (Fall)
November 1 st	December through February (Winter)
February 1 st	March through May (Spring)

Source: CUPF staff

The new windows will not apply to high priority users such as the primary tenant, licensed childcare, Parent Teacher Associations, and government departments. CUPF believes the new scheduling windows will not only be easier to follow, but they will provide the following advantages:¹⁶

- Allow greater flexibility for the primary tenant to reserve space as needed without having to artificially plan an entire six months, nine months, or more in advance.
- Allow groups to pay less at one time to secure reservations for the entire timeframe, helping users faced with economic challenges.
- Increase equity, allowing more opportunities for users to rent space.
- Allow applicable high-volume priority groups to make changes four times a year.
- Reduce over-reserving of space.
- Reduce the need for excessive and complex permit modifications/cancellations and billing arrangements.

CUPF anticipates these new windows will be phased-in beginning May 1, 2022, completing the phase-in approach effective December 1, 2022.

D. Current and Future Online Reservation Systems

ActiveMONTGOMERY (through ACTIVENet software) is the online facility reservation and recreation registration system used by CUPF, the Department of Recreation, and Montgomery Parks since 2015. This software replaced CLASS software, which was being used separately by the three departments. ActiveMONTGOMERY (referred to as “Active” from hereinafter) was chosen at the time because it could accommodate larger use volume and it was able to merge the three departments, creating one website for users looking to rent public facilities or register/sign up for classes and other recreational facilities.¹⁷ However, the following limitations of Active have emerged since its implementation:

¹⁶ Interview with CUPF staff.

¹⁷ [“Approval of and Appropriation for the FY11 Operating Budget of the Montgomery County Government,”](#) adopted May 27, 2010, page 5-18

- **Lack of functionality.** More functionality was promised when Active was chosen. In some cases, departments have been running 60-70% of their business manually due to missing, promised functionality. Active required plenty back-end work for reservations because users had a difficult time doing them online since creating reservations was not as intuitive as planned.
- **High costs.** Active charges a fee for each transaction, in addition to licensing, maintenance, and credit card fees. Therefore, when departments reimbursed users during the Covid pandemic, they had to pay fees for each reimbursement.
- **No relational database structure.** With no relationships across the data from the three departments, the included reports were inadequate to conduct demographic or detailed financial reporting. As a result, departments must extract data from Active and upload it into Power BI (data analysis software from Microsoft) in order to analyze it/create reports.
- **No flexibility.** Active is entirely in a cloud environment. As a result, it lacks the flexibility to make changes quickly. Furthermore, when defects are brought to the attention of Active software management, resolutions are classified as “new feature requests” and are rarely resolved.

In early 2020, the County issued a request for proposal, seeking a new software system to use across the three departments. Vermont Systems Incorporated’s RecTrac recreation tracking software was selected in the fall of 2020; the new online system is scheduled to go live for CUPF in May 2022.¹⁸ This software is currently being used in Prince George’s County (MD), Arlington County (VA), and Washington, DC, among others. The new software was chosen mainly due to:

- **Functionality and Flexibility.** The software can modify the screens for both the user and the departments, reflecting business operations and ease of flow. This includes using vernacular that the County uses (adjusts to County business flow) and adjusting the RecTrac webpage to look like other County webpages. As for payments among three entities, VSI ensures that although the user sees one interface for payments, the payments will correctly go to the right departments behind the scenes – not making the departments journal payments to each other. Furthermore, the system can adapt to business operations changing, such as when DC’s Parks and Recreation Division added the new School Division a few years after the software was implemented.
- **Lower Costs.** Unlike Active, the only costs are for licensing, maintenance, and credit card use; transaction fees are not included.
- **Relational Database Structure.** After the original data is imported from Active, the data will not only be relational, but additional fields will also be added to make information and reporting more granular. Furthermore, the system itself has excellent reporting capabilities and analysis can be done in the system without using Power BI or other additional software.

In addition, the governance team for the project made efforts to ensure that additional, available data fields will be used to collect data for future equity and social justice analysis. This data includes asking users about race, whether they are of Hispanic, Latino, or Spanish origin, if there’s another language spoken, etc. Furthermore, the new software will be better able to collect/analyze data for CUPF’s programs aimed at advancing equity and

¹⁸ The Parks and Recreation departments went live in February 2022. CUPF’s implementation was delayed due to merging data into the new system taking longer than planned and getting the department and users trained and ready enough to navigate the system.

inclusion, including the Facility Fee Assistance Program and the Silver Spring Civic Building's Community Access Program; both programs are mostly maintained on static, side spreadsheets.

The new software will help the County more toward the initial goal of having a "one-stop shop" for facility reservations and recreation registrations. However, some facility reservation processes will remain offline, and users still need to go to multiple departments, using multiple reservation processes to rent facilities in the County, as shown in the chart below.

County Rentable Facility Types and Reservation Processes

Permit Authority	Facility	Facility Type	Reservation Process	Future Reservation Process
CUPF	Schools	All-Purpose Room	Online	Online
		Athletic Field - Grass	Online	Online
		Athletic Field - Turf	Data Form	Online
		Auditorium	Data Form	Online
		Cafeteria	Online	Online
		Classroom	Online	Online
		Gymnasium	Data Form & Online	Online
		Other	Data Form & Online	Online
		Tennis Courts	Online	Online
	Silver Spring Civic Building	Auditorium	Static Form	Online
		Classroom	Static Form	Online
		Outdoor Event Venue	Static Form	Online
	County Buildings	Classroom	Online	Online
		Outdoor Event Venue	Static Form	Online
	Recreation Centers	Athletic Field - Grass	Online	Online
Parks	Park Facilities	Athletic Field - Grass (Local Park)	Online	Online
		Athletic Field - Grass (Regional Park)	Static Form	Data Form
		Athletic Field - Turf	Static Form	Data Form
		Cabin John - Campground	Data Form	Data Form
		Community Gardens	Data Form & Online	Data Form & Online
		Equestrian Park	Data Form	Data Form
		In-line rinks	Data Form & Online	Data Form & Online
		Outdoor basketball & tennis courts	Data Form	Data Form
		Park Activity Building	Data Form & Online	Data Form & Online
		Picnic Shelters	Data Form & Online	Data Form & Online
		WHQ - Auditorium and lobby	Data Form	Data Form
		Woodside Gym	Data Form	Data Form
	Brookside Gardens	Auditorium/Hall	Data Form & Online	Data Form & Online
		Outdoor/Concrete/Patio	Data Form & Online	Data Form & Online
		Garden Area-Landscaped	Data Form & Online	Data Form & Online
		Outdoor Structure- Pavilion	Data Form & Online	Data Form & Online

	Garden Area-Woodland	Data Form & Online	Data Form & Online
	Garden Area- Lawn	Data Form & Online	Data Form & Online
	Indoor All-purpose room	Data Form & Online	Data Form & Online
	Classroom	Data Form & Online	Data Form & Online
	Indoor Garden	Data Form & Online	Data Form & Online
<hr/>			
Recreation	Recreation Centers		
	All-Purpose Room/Hall	Static Form	Static Form
	Athletic Field - Turf	Static Form	Static Form
	Classroom	Static Form	Static Form

Source: CUPF, Recreation, and Montgomery Parks

Note: County buildings include the Executive Office Building, the Council Office Building, Public Libraries, the Police Department, and the Regional Services Centers. CUPF can only rent out high school turf fields; CUPF has requested that MCPS provides details for maintenance/reimbursement for ES and MS turf fields so they can be rented out. All permit authorities allow reservations over the phone or through email as well. For those with “Data Form & Online,” the users fill out the form and the respective departments enter the information into the online system.

E. Other Jurisdictions’ Facility Reservation Process Key Characteristics

To better understand different approaches to the facility reservation process for public facilities, OLO researched six jurisdictions, focusing on similar-sized jurisdictions¹⁹ as Montgomery County and those close geographically. Among identifying characteristics, OLO focused on: what overseeing department managed the facilities, the priority of use by user groups, and the security policies for public use.

a. Overseeing Department or Agency for Public Facility Use

CUPF is Montgomery County’s primary department for overseeing use of public government facilities *and* school facilities. Within the jurisdictions studied, they either have a department (within an agency) managing the use of government facilities or school facilities, but not both – with some exceptions for a certain type of use (e.g., the Fairfax County Public Schools Community Use of School Facilities rents out all school facilities, except when school fields, gymnasiums, and tracks are used for practice and league play – then they are rented out by Fairfax County’s Department of Neighborhood and Community Services Division.)

In general, the public school systems have a department such as the Community Use of Schools to manage the rentals for public schools. County governments have departments such as the Real Estate and Asset Management, Parks Authority, and Neighborhood and Community Services to manage government facility rentals.

¹⁹ Based on 2020 Census figures, jurisdictions similarly sized with Montgomery County (1.1 million), including Pima County, AZ (1.0 million), Orange County, FL (1.4 million), Fulton County, GA (1.1 million), and Fairfax County, VA (1.2 million).

Table 2-1. Jurisdictions’ Overseeing Department for Public Use

County, State	Overseeing Agency	Facilities Managed
Fairfax County, VA	Fairfax County Public Schools	School Facilities*
	Fairfax County Government	Government Facilities
Fulton County, GA	Fulton County Public Schools	School Facilities
	Fulton County Government	Government Facilities
Orange County, FL	Orange County Public Schools	School Facilities
	Orange County Government	Government Facilities
Pima County, AZ	Multiple - District Schools	School Facilities
	Pima County Government	Government Facilities

NOTE: “Government Facilities” include parks.

*Fairfax County’s Neighborhood and Community Services (NCS) Division schedule FCPS fields, gymnasiums, and tracks for citizen athletic use (groups over 20 people); citizens must file an application for use through NCS. For organizations using the same facilities, the FCPS Community Use Section administers the use.

Fairfax County Public Schools (FCPS) noted that they have explored creating a “one-stop” shop for school facilities and government facilities with Fairfax County Government – like the current CUPF setup. However, they determined the separation of government and school facilities was more efficiently administered by each separate agency, but they do coordinate when there are joint projects or needs.

b. Priority Use

For the priority use of public facilities, the counties studied consistently have a priority use list for school facilities, but it was less clear for government facilities. Like CUPF, school-related activities are the top priority user groups for other county school facilities. CUPF specifically gives licensed childcare providers the second-priority ranking, while other jurisdictions are vaguer, giving first or second priority to “school partnerships, organizations with formal partnerships, and school-related groups.”

Within the counties studied, Fulton County Public Schools was the only one that specifically gives preference to non-profits after organizations with formal partnerships; it was also the only one that does not allow individuals to rent school facilities.²⁰ Finally, as a comparison, CUPF has a seven-tier, more-specific, priority list while others had four tiers. The table below shows the priority use for schools at Fairfax County (VA), Fulton County (GA), and Orange County (FL); Pima County was not included because the individual district schools handle their priority use for schools separately.

²⁰ Fulton County Public Schools Use of Facilities, Operating Guidelines, Section K, available at <https://go.boarddocs.com/ga/fcss/Board.nsf/goto?open&id=ASBJJ64D5D54>

Table 2-2. Jurisdictions' School Priority Use

County, State	Priority List
Fairfax County, VA	<ol style="list-style-type: none"> 1. School instructional and extracurricular programs 2. School-related groups such as PTAs, private tutoring, school partners, etc. 3. Fairfax County Department of Neighborhood and Community Services and the Fairfax County Park Authority 4. Others, when space is available
Fulton County, GA	<ol style="list-style-type: none"> 1. Organizations with formal school partnerships 2. Non-profit organizations 3. Public government 4. For-profits when it benefits the district; done on a case-by-case basis
Orange County, FL	<ol style="list-style-type: none"> 1. School-based activities and youth organizations 2. School partnerships 3. Government and Community agencies 4. Private interest or non-government

Sources:

[Fairfax County Public Schools Regulation 8420.12, Facilities and Transportation Services, Community Use](#)
[Fulton County Public Schools Operating Guidelines, Section K – General Public Relations, Use of School Facilities](#)
[Orange County Public Schools Facilities Use Information](#)

None of the jurisdictions has a formal policy on historical use of public facilities (i.e., giving preference to groups who have consistently rented out facilities in the past for an extended period) like CUPF does. However, these jurisdictions do work with user groups on their priority lists for bulk or high volume permit requests (e.g., Fairfax County Public Schools works with religious organizations scheduling use for a year's worth of bookings).

c. Security

MCPS has indicated that security at schools during public use is a concern not only for the school workers in the building, but also for other non-permitted spaces in the building that public users can potentially get access to and damage. Below is chart showing how a few other local school systems handle security for public users. Like CUPF, they do not provide security staff for standard public use – but they can be added for an additional fee or are required for larger events.

Table 2-3. Jurisdictions' Security Policies for Public Use

School System, State	Security Policies
Anne Arundel County Public Schools, MD	<ul style="list-style-type: none"> • All school-sponsored groups with unsupervised or unrestricted access to children must have at least one employee or volunteer complete a fingerprint-supported background check. • All school-sponsored groups that will have supervised contact with students must complete a commercial background check for each employee. • Establish on-site contact person to monitor arrival & departure of participants, ensure only designated entrances are used, and that only participants enter. • Wear ID badges or labels with the name of person and group/activity. • Each user group shall inform participants to arrive no earlier than fifteen minutes prior to the scheduled start times of the activity and to leave the facility within fifteen minutes after the scheduled ending time of the activity. • The designee shall inform the staff member on duty that the activity is concluded and that the building/room may be secured. • The designee shall ensure that they have access to a cell phone to reach law enforcement or emergency personnel should the need arise. • Approval for the use of school facilities may not be transferred from one organization, group, or individual to another.
Fairfax County Public Schools, VA	<ul style="list-style-type: none"> • Exterior doors of school facilities will remain locked and shut at all times. • Childcare providers afterhours have access to camera and intercom system, to buzz people in. • Users are required to follow all general security and safety procedures outlined in school regulations including those on security and school safety.
Frederick County Public Schools, MD	<ul style="list-style-type: none"> • The user group contact will be required to sign-in on a log provided by a custodian. • An adult representative for a user group must stay to open the door and allow entry only for participants of the group. • Exterior doors of school facilities will remain locked and shut at all times. Under no circumstances is it allowable to prop an exterior door or alter an exterior door lock to the building without permission of school administration.

Sources:

[Anne Arundel Community Use of School Facilities Guidebook](#)

[Frederick County Public Schools Standard Operating Procedures – Use of Facilities](#)

[Fairfax County Public Schools Regulation 8420.12, Facilities and Transportation Services, Community Use](#)

Chapter 3. Financial Management

The Community Use of Public Facilities is financially structured as a self-sustaining enterprise fund. In other words, the fees it charges to users cover all the necessary operational expenses – including funding transfers to Montgomery County Public Schools for the public’s use of their facilities. The assigned fees are complex, falling into multiple user groups across the various school and government facilities that CUPF rents out. The revenue generated by the fees greatly exceeded the operating expenses for most of 2010s, creating a significant fund balance. The Interagency Coordinating Board put those excess funds back into community use facility improvements as scheduled. However, CUPF’s revenues dropped significantly with the limited community use during the COVID-19 pandemic. This reduced the fund balance to new lows - halting the ICB’s community use investments and forcing CUPF to adjust its operations.

This chapter is organized into three sections:

- A. CUPF Budget, Fees, and User Groups;
- B. Reimbursement Payments; and
- C. Fund Balance.

A. CUPF Budget, Fees, and User Groups

CUPF is an enterprise fund¹ that has been fully self-funded since 1985 through user fees, with an annual operating budget of \$8,502,633 in FY22.² This budget reflects a decrease of \$3,417,266 or 29% from its pre-COVID-19 pandemic budget of \$11,919,899 in FY19. This decrease accounts for the significant drop in facility rentals CUPF has experienced since the start of the pandemic in March 2020. During the pandemic, schools were not available for public use until the start of the 2021-22 school year, except for childcare (that too was on pause from March 2020 through September 2020) and field use (on pause from March 2020 to May 2020).³

CUPF receives between \$25,000 and \$135,000 annually from the tax-supported General Fund to provide funding for the Facility Fee Assistance Program and election costs, respectively. However, these funds are not used for CUPF operations.

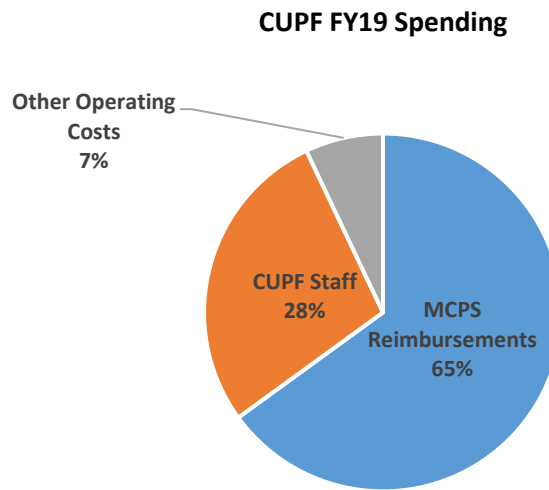
Spending. Before the COVID-19 pandemic, CUPF spent \$11,127,765 in FY19, with approximately 65% (\$7,233,047) spent on reimbursements to MCPS for utilities, custodial supplies, equipment, maintenance, and staff services.⁴ It spent the remaining amounts on CUPF staff (28%; \$3,110,817) and other operating costs (7%; \$783,901).

¹ According to Montgomery County’s Operating Budget glossary, an enterprise fund is used to record the fiscal transactions of government activities financed and operated in a manner similar to a private enterprise, with the intent that the costs of providing goods and services, including financing, are wholly recovered through charges to consumers or users.

² [Montgomery County FY22 Approved Operating Budget](#)

³ [Agenda Item #19, “Briefing on the Community Use of Public facilities Enterprise Fund,”](#) by Vivian Yao, December 1, 2020

⁴ FY19 CUPF expenditures from the Oracle Business Intelligence Tool (General Ledger Dashboard) and CUPF historical spending on MCPS reimbursements.



User Fees. CUPF’s user fees cover the community use of public facilities, including the staff required (both from CUPF and MCPS), utilities, cleaning services, equipment, and maintenance. Most of the facilities require minimum use so that the fees can cover the cost, such as requiring two hours for weekday use of athletic fields.⁵ There are also cancellation fees if the user does not give notice in an ample amount of time and fees for additional staff or equipment needed. The fees are determined and approved by the Interagency Coordinating Board; these fees are based on the facility type, the type of activities conducted, and the time of use.⁶ See Appendix A for current user fees for each type of rented facility and room/field type.

Once a user determines the facility, the room or field type they want, and when they want to use it (weekdays or evenings/weekends), the fees themselves are tiered based on the type of user group. Across all facilities and room/field types, a user can fall into an array of groups depending on the type of facility and room/field rented.

In the table below, the “User Groups” refers to the categories of users on which the fee is based. For example, if a user wanted to have a practice or game at a Montgomery Parks local/neighborhood field or a Department of Recreation field, they would pay the same fee, regardless if they are an adult, youth, non-profit, or commercial user. In contrast, if a user wanted to have a practice or game at a MCPS field, they would pay a different fee if they are a general user or a non-profit/commercial user (same fee for non-profits and commercial organizations).

As apparent in the table below, user groups are not consistent across the seven facility types. Additionally, it is not always clear where a general County resident falls in the user groups across all facilities; they are distinguished in athletic fields and for the Silver Spring Civic Building, but not for others⁷. As a result, the fee structure can be complicated for users to understand.

⁵ [Athletic Field Fees by the Community Use of Public Facilities](#)

⁶ [CUPF Fees and Refunds](#)

⁷ CUPF staff indicated that while it is not explicitly on the fee schedules, individual residents are grouped in with the “non-profit” group. Furthermore, another CUPF policy not online is that CUPF offers rates to out-of-County non-profits that equal local non-profit rates – only if they are serving two-thirds Montgomery County residents.

Table 3-1. Facilities and Associated User Groups

Facility, Rooms/Fields. & Activity Type	User Groups
Athletic Fields	
M-NCPPC Local/Neighborhood Park Fields & MCRD Fields (Practice and Game Use)	General User
MCPS Fields (Practice Use)	General User Commercial/Non-Profit
M-NCPPC Regional/Recreational Park Fields (Game Use)	Youth With or Without Lights Adults With or Without Lights
MCPS Turf Fields	Non-Profit/County Resident With or Without Lights Commercial/Non-County Resident With or Without Lights
M-NCPPC Turf Fields	Non-Profit/County Resident With or Without Lights Commercial/Non-County Resident With or Without Lights
MCPS Non-Turf High School Stadium Fields	Youth County Resident/Non-Profit With or Without Lights Adult County Resident/Non-Profit With or Without Lights Commercial/Non-County Resident With or Without Lights
Schools	
All Purpose Room, Cafeteria, Kitchen, Gym, Classroom, Auditorium, and Other	PTA, MCPS Partnerships, and Government Entities Non-Profit Organizations and Community Groups For-Profit Organizations Summer Camps School-Selected Before and After School Childcare Providers
Public Libraries	
Small, Medium, and Large Rooms	Local Government Agencies Local Non-Profit Groups Out-of-County/For-Profit Groups
Regional Services Centers	
Small, Medium, and Large Conference Rooms; Multipurpose Room	Local Government Agencies Local Non-Profit Groups Out-of-County/For-Profit Groups
Silver Spring Civic Building	
Great Hall, Atrium, Warming Kitchen, Courtyard, Large Activity Room, Small Conference Room, Veterans Plaza	Local Non-Profit Groups County Resident/Small Business Rate Out-of-County/For-Profit Groups
Council Office and Executive Office Buildings	
Auditorium, Hearing Room, Lobby, Cafeteria, Circuit Court Plaza, Conference Room, Jury Parking Lot	Local Government Agencies Local Non-Profit Groups Out-of-County/For-Profit Groups
Clarksburg Cottage	
Large Meeting Room	Local Government Agencies Local Non-Profit Groups Out-of-County/For-Profit Groups

Source: [CUPF Fees and Refunds](#)

Fee Study. In late 2019, CUPF prepared a Request for Proposal (RFP) for a comprehensive fee study. The last fee study occurred in 2002. The RFP required an experienced consultant who would “propose a methodology for analyzing costs, reviewing rates of comparable facilities and developing recommendations for a comprehensive six-year structure for user fees for government facilities.”⁸ Specifically, the consultant would have to perform the following tasks:

1. Conduct a market survey of surrounding jurisdictions that charge user fees for comparable government facilities including schools. The survey should take in consideration the following factors, including but not limited to: scheduling policies, rates, additional facility charges, and refund/cancellation charges.
2. Review assumptions inherent in the current fee structure for their future or continued relevance.
3. Assess and evaluate reimbursement rates to any relevant government facilities for costs incurred or wear and tear attributed to the community’s use.
4. Review expenditure history and proposed future years’ expenditures, including implementation of security strategies, to determine the basis for fee recovery.
5. Interview stakeholders, including government, community, CUPF scheduling staff, and Interagency Coordinating Board representatives to produce an equitable representation of relevant issues.

According to CUPF staff, the Department of Procurement reached out to vendors to gauge interest; of the two that responded, one was not qualified and the other did not respond to Procurement. It was decided to put the RFP on hold and revise it. A few months after that, the COVID-19 pandemic impacted the County, putting community use at a standstill. CUPF decided it would be best to revisit the RFP when community use normalizes after a period (when pandemic effects lessen) and there is more realistic information/data to base a study on. In addition, M-NCPPC (Montgomery Parks) has expressed interest about coordinating with CUPF on a separate fee study for Parks’ facilities.

CUPF recently asked Procurement to re-start the RFP process for the fee study. At the same time, CUPF submitted a job description to the County Council’s Summer Fellows Program requesting that two summer fellows conduct a fee study this year. If the project is selected, the RFP process could be paused again until the summer fellows present their findings. If additional research is needed, an RFP could be issued for additional/follow-up research.

There has also been interest from the Council and stakeholders to include in the fee study whether CUPF should be a mix of enterprise funds (fee-supported) and general funds (tax-supported). The County Council has indicated they want CUPF to prioritize disadvantaged and vulnerable constituents for use of space, along with providing reasonable and equitable fees. However, providing free use or reduced fees has been at odds with balancing the budget solely using enterprise funds. Similar jurisdictions such as Fairfax County Public Schools, Orange County Public Schools, or Loudoun County Public Schools are general fund-based; they do charge fees, but the fees are not intended to completely cover all their expenses.⁹

⁸ Request for Proposal #1114205, “Community Use of Public Facilities Fee Study,” December 2019

⁹ Interviews and Operating Budgets for [Fairfax County Public Schools \(FY22 Approved Budget, page 261\)](#) , [Orange County Public Schools \(FY21-22 Tentative Budget, page 656\)](#) , and [Loudoun County Public Schools \(FY22 Adopted Budget, page 244\)](#).

Spotlight: Loudoun County Public Schools User Groups and Fee Structure

Loudoun County Public Schools' (LCPS) Community Use of LCPS Facilities took an easy-to-follow route for creating user groups and fees. After studying to understand the estimated costs for public use in their school facilities and after reviewing other nearby counties such as Fairfax and Prince William, LCPS determined that there would be no user groups – only one set of fees for all users.¹⁰

LCPS worked with numerous divisions within to determine the exact square footage of space that is available for public use. Next, they took the square footage and divided it by operations and management costs. Finally, they applied indirect costs, based on guidance from the Commonwealth of Virginia. Then LCPS adjusted their fees to cover the calculated costs; the latest adjustment was in July 2021.¹¹

This did not cause an issue for before-and-after school programs affiliated with the schools since these programs are not charged for use of the facilities.¹² This includes childcare providers and programs administered by Loudoun County Parks, Recreation, and Community Services. Furthermore, LCPS performed market research on private venues with similar facilities such as hotels, entertainment, and sports facilities. The goal was to understand what they were charging and the factors which went into fee consideration – seeing how they compare to school facilities; they determined there was not a fee differential between for-profit and non-profit entities.¹³ Therefore, for-profits and non-profits have the same fees for the Community Use of LCPS Facilities.

B. Reimbursement Payments

CUPF reimburses Montgomery County Public Schools (MCPS) funds to cover the utility, custodial supplies, equipment/maintenance, and staff services for costs incurred for community use of the school facilities.¹⁴ The table on the following page details the methods used to calculate the reimbursement amounts. Pre-COVID pandemic, CUPF's reimbursements averaged about 65%¹⁵ of CUPF's operating budget or \$7.7 million of the FY19 approved budget of \$11.9 million.¹⁶ MCPS divides the reimbursement payments between its central administration and the school where the community use occurred. For maintenance reimbursements, the funds "are to be used only for repairs, improvements, replacements, or new purchases which positively impact community use, such as auditorium sound and lighting equipment, or for projects such as gym floor refinishing use."¹⁷ The remaining reimbursement payments can be used at MCPS's discretion.

The details of the reimbursements are through a Memorandum of Understanding between CUPF and MCPS. However, this MOU expired in 2018. Without an MOU in place, the Department of Finance informed CUPF that

¹⁰ Interview with Loudoun County Public Schools' Division of Management and Coordination (Facility Use) and [LCPS Facility User Fees](#)

¹¹ Interview with Loudoun County Public Schools' Division of Management and Coordination (Facility Use)

¹² [FCPS Regulation 6310, "Facility Use," page 3.](#)

¹³ Interview with Loudoun County Public Schools' Division of Management and Coordination (Facility Use)

¹⁴ [On its website](#), CUPF displays the maintenance and custodial reimbursements attributed to each school from FY19 and FY20, along with the hours of use.

¹⁵ [ICB/CUPF Payments to MCPS, by CUPF](#)

¹⁶ [CUPF's FY19 Approved Operating Budget Chapter from the FY19 County Council Approved Operating Budget and FY19-25 Public Services Program](#)

¹⁷ "Interagency Reimbursement Agreement" between MCPS and CUPF, signed September 12, 2014.

they should not make reimbursement payments. CUPF last made reimbursement payments to MCPS in August 2020.

MCPS Reimbursement MOU Aspects. The table below details the terms of the MOU agreements, along with CUPF and MCPS's actual practices for the reimbursements, which were slightly different from the MOU.

Utilities	<p>Based on usage studies conducted by MCPS Facilities Management every three years and paid in monthly installments.</p> <p><u>Actual Practice:</u> MCPS last did a usage study in FY18. The study determined that reimbursements should be 5.3% of the total MCPS utility bill (same figure as the previous usage study). The reimbursements have been paid two years in arrears.</p>
Custodial Supplies	<p>Based on the prior year's count of paid community use, using the following factors for the per hour charge: \$0.50 for high schools, \$0.40 for middle schools, and \$0.35 for elementary schools.</p> <p><u>Actual Practice:</u> consistent with MOU</p>
Equipment/Maintenance	<p>Based on the prior year's count of paid community use, using the following factors for the per hour charge: \$1.50 for high schools and \$1.25 for middle and elementary schools. These funds collected by MCPS are only to be used for repairs, improvements, replacements, or new purchases that positively impact community use.</p> <p><u>Actual Practice:</u> consistent with the MOU maintenance reimbursements are made annually to each school for the use in that building. The following equipment payments are made quarterly to each school, but not pursuant to the MOU. These equipment reimbursements were established by ICB Resolution:</p> <p>Artificial Turf: \$75/hour Field lights: \$35/hour Audio Visual: \$3/hour Auditorium use: \$40/day Piano: \$25/day Scoreboards: \$2/hour</p>
Supporting Staff Services	<p>Based on the prior year's community use during weekends/holidays and the MCPS building services clock hours report, indicating the support staff hours worked. MCPS will be reimbursed an hourly rate, based on average overtime pay for each job classification. MCPS will also bill for additional weekend cleaning hours (20% of the total clock hours) at the rate for building service workers. Finally, election staff coverage will be billed at the average overtime rate or actual staff costs approved to support elections during the primary or general election.</p> <p><u>Actual Practice:</u> payments have been made quarterly based on hours of use in the current fiscal year.</p>

Other Staff Services

CUPF will reimburse MCPS 100% of the salary and the benefits of a childcare coordinator, who oversees the before and after school childcare selection process and childcare provider use in schools during the school year, among other items (in 2015, CUPF converted this position to a County position, with no reimbursement to MCPS).

CUPF will reimburse MCPS 100% of the salary and benefits cost of a MCPS weekend supervisor detailed to work at CUPF, coordinating MCPS staff supporting community use and address afterhours/weekend use reported by community users and MCPS staff (in 2015, an additional weekend supervisor was added to address workload issues).

CUPF will reimburse MCPS 75% of the salary and benefits cost of a resource conservation assistant assigned to schedule heat and air conditioning for community use activities.

Actual Practice: consistent with MOU

Sources: “Interagency Reimbursement Agreement” between MCPS and CUPF, signed September 12, 2014. The MOU term was for one year and it was extended for three additional years. The MOU expired on June 30, 2018. [Education and Culture Council Committee Worksession of the Community Use of Public Facilities FY22 Operating Budget Packet, by Vivian Yao, April 26, 2021.](#) Interviews with CUPF and review of reimbursement calculations.

Spotlight: Absence of Fairfax County Reimbursements to Fairfax County Public Schools

Fairfax County Public Schools (FCPS) Community Use of School Facilities (under the Office of Administrative Services) administers the permit process for the public use of school facilities, with more than 465,000 community use events held each year.¹⁸ The fees that FCPS receives for public use go back to the facility used (15%) and back to the FCPS general fund for general “wear and tear” (85%).¹⁹

FCPS Community Use of School Facilities only manages public schools, unlike CUPF, who manages facilities across three government agencies (Montgomery County, MCPS, and M-NCPPC). FCPS Community Use of School Facilities collects fees on behalf of FCPS and these funds go back directly to FCPS – not to another government entity (like CUPF for Montgomery County). Therefore, reimbursement payments from the Fairfax County Government to FCPS for “wear and tear” of facilities for public use are unnecessary.

As a result, although FCPS annually receives more than two billion in general fund transfers²⁰ from the Fairfax County Government, there are no transfers explicitly for the Community Use of School Facilities, nor for the specific use of FCPS resources for public use (like Montgomery County does for MCPS).²¹ It should also be noted that for those public events that help the underserved, the County Government and FCPS coordinate to make sure the organizations holding these events are not charged any fees – without transfers from the County Government. The Community Use of School Facilities is currently in discussions with Fairfax County Government concerning cost factors with County events overall.

¹⁸ [Fairfax County Public Schools Approved FY22 Operating Budget](#), page 334

¹⁹ Interviews with Fairfax County Public Schools staff

²⁰ [Fairfax County Public Schools Approved FY22 Operating Budget](#), page 43

²¹ Ibid.

Request to MCPS for Reimbursement Payment Forgiveness. The COVID pandemic paused most public use in CUPF-permitted facilities from March 2020 until September 2021. This caused a severe dip in CUPF revenue for the second half of FY20 and all FY21 (revenue fell from \$12.1 million in FY19 to \$8.5 million in FY20; then to \$1.6 million in FY21);²² from FY19 to FY21, the revenues dropped by 87%. Due to this dramatic drop in revenues, CUPF was unable to make the reimbursement payments within its fund balance in FY21.²³ In March 2021, the Chief Administrative Officer asked MCPS that the projected reimbursement payments be forgiven in the amounts of \$2,587,415 for FY21 and \$2,203,634 for FY22.²⁴ MCPS agreed to waive the payments for FY21, but it has not yet decided on waiving the payments for FY22.

MCPS is currently working on drafting a new MOU, with input from CUPF. It is not expected there will be dramatic changes, but according to MCPS and CUPF, it will address reimbursement obligations and operational issues (e.g., security, permit enforcement, principal involvement, etc.), that were not addressed in the former MOU.

Spotlight: Absence of M-NCPPC Reimbursement Payments for Field Use

Like MCPS, M-NCPPC had an MOU²⁵ with CUPF that detailed Montgomery Parks²⁶ staff to CUPF, who provide the scheduling of Parks' athletic fields and provided for the steps taken to reimburse field fees. An updated MOU is in process between CUPF and M-NCPPC. The former MOU further described how Parks fields' revenue and collection will occur from public use and ensured that Parks received the correct fees for public use of its own fields.²⁷

The former MOU detailed reimbursement practices that have not occurred since 2016 when CUPF and the County Recreation Department used a different scheduling database than M-NCPPC. During fall 2015 and winter 2016, all three partners switched to a shared database on ACTIVENet software. Through the switch to ACTIVENet, the County reimbursed M-NCPPC without CUPF's direct involvement. During February 2022, the partners again changed to a third software, RecTrac, and are working through financial reporting and reimbursement challenges but expect the County will still be reconciling reimbursements without CUPF staff involvement. During this transition, the public's need for permitting is still met through the same shared access to scheduling software for the same athletic fields. The new MOU will reflect new realities in reimbursement and staffing.

Unlike MCPS, there are not consistent, ongoing reimbursement payments in the MOU for the public's "wear and tear" of field use County-wide – even though Parks is responsible for the maintenance and renovation of fields for parkland, school sites, and other public sites.²⁸

Instead, Parks receives funding through the Ballfield Initiatives Capital Improvements Program project, in which the department is annually funded \$2.3 million (\$2.0 million from County Government Obligation Bonds and

²² Approved operating budgets for FY19 and FY20; OMB staff provided the FY21 figure.

²³ Note: CUPF makes payments based on prior year use/costs, as noted in the MCPS Reimbursement MOU Aspects section.

²⁴ Memorandum from Chief Administrative Officer Richard S. Madaleno to Dr. Jack R. Smith, Superintendent of MCPS, regarding "Forgiveness of Community Use Reimbursements Owed," March 25, 2021. These reimbursements covered utilities, custodial supplies, personnel costs for the resource conservation assistant, and personnel costs for the two weekend supervisors. The maintenance reimbursement was already paid in early FY21.

²⁵ Currently expired; M-NCPPC and CUPF are working on a new, revised MOU.

²⁶ M-NCPPC is an agency, like Montgomery County Government, and the Parks Department falls under M-NCPPC.

²⁷ [According to the FY21 Council Approved CUPF Operating Budget](#), CUPF issues permits for 212 MCPS ballfields at elementary, middle, and high schools while the Parks Department maintains 201 athletic fields on 120 MCPS sites.

²⁸ ["Ballfield Initiatives," County Executive Recommended FY23-28 Capital Improvements Plan](#)

\$0.3 million through CUPF's Enterprise Fund). While this funding does address funding needs for the maintenance and renovation of parks, the M-NCPPC funding from CUPF is not directly correlated with public use like the MCPS reimbursement payments.

C. Fund Balance

The Community Use of Public Facilities' enterprise fund was created "for the express purpose of maintaining sufficient funds to provide adequate working capital for operations and to protect against volatility in CUPF revenues and expenditures."²⁹ An internal study³⁰ from 1999 recommended that CUPF needs to maintain a 10% fund balance in resources to maintain adequate levels to mitigate current and future risks such as revenue shortfalls or unanticipated expenditures. The 10% fund balance was intended to cover the following (if needed): risk management (2.5%), periodic reinvestment in information technology (2.5%), and program experimentation to address community needs (5%).³¹

Pre-COVID-19 pandemic, CUPF did not have a significant fund balance beyond the 10% threshold until the third year of CUPF operating the Silver Spring Civic Building (FY14).³² The Interagency Coordinating Board (ICB) planned to act, ensuring that additional funds would be used to support government departments or agencies to positively impact public community use. Therefore, the ICB had a five-year "spenddown" plan of fund balance starting in FY17³³; significant investments the ICB made during that time include the following:

- Transfer of funds to Montgomery Parks for field maintenance and renovations from FY17 through FY22 (\$1,250,000)³⁴
- Audio-visual equipment at the Silver Spring Civic Building in FY20 (\$130,000)³⁵
- Great Hall and Ellsworth Room floor replacement in FY19 (\$118,000)³⁶
- Installation of security cameras, furniture, equipment, and flooring replacements at 32 County locations from FY17 through FY19 (\$1,340,000)³⁷
- Facility Fee Assistance Program (\$50,000 annually)³⁸
- Community Access Program (\$150,000 annually)³⁹

²⁹ County Council Agenda Item #19, "Briefing on the Community Use of Public Facilities Enterprise Fund," by Vivian Yao, December 1, 2020

³⁰ Community Use of Public Facilities Fund Study, September 30, 1999

³¹ CUPF Presentation to the Council on its Enterprise Fund, December 1, 2020

³² ICB December 2018 Packet

³³ Ibid.

³⁴ [FY23 County Executive Recommended Ballfield Initiatives Project \(POO8720\)](#)

³⁵ FY21 Approved Budget

³⁶ ICB March 2019 Packet

³⁷ [FY20 Approved budget](#)

³⁸ ICB March 2019 Packet

³⁹ Ibid.

However, the COVID-19 pandemic put a significant halt to the ICB's spenddown plan.⁴⁰ The fund balance dropped to \$3,263,259 in FY21— a decrease of \$3,656,061 or 53% from the fund balance's peak amount in FY17 of \$6,919,320.

Table 3-2. CUPF Fund Balances from FY14 to FY21

FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
\$5,420,283	\$5,910,200	\$6,617,148	\$6,919,320	\$6,372,109	\$6,508,019	\$4,360,222	\$3,263,259

Source: Montgomery County Annual Comprehensive Reports (FY14 to FY21), Exhibit C-1, Combining Statement of Net Position – Nonmajor Enterprise Funds (Unrestricted Funds)

FY21's fund balance of \$3.3 million was originally much worse due to the rapid decline of revenues; it was first stated at \$600K. However, in the fall of 2021, the Department of Finance made a \$2.7 million adjustment to the fund balance from transactions in the old CLASS software system (system prior to ActiveMONTGOMERY).⁴¹ Finance explained that these funds coded to an undistributed revenue account from CLASS to the County's Oracle financial system. When the County switched to ActiveMONTGOMERY in FY16, the revenue account changed – but the old revenue from CLASS stayed in the old revenue account.

Adjusting to Decreased Revenues. Besides having reduced reimbursement payments to MCPS because of abridged community use, CUPF adjusted other expenditures starting in FY21. These changes reflected in the FY22 approved operating budget. Some of the changes were fortuitous – such as a decreased cost for software services and ending a lease agreement. The table below details the significant changes.

Table 3-3. CUPF Adjustments to Revenue Decreases

Amount	Action
(\$455,683)	Lapsed five program specialists, who performed scheduling, among other duties
(\$342,690)	Eliminated rent payment associated with the 255 Rockville Pike lease space; moved to a County-owned office in Wheaton
(\$301,250)	Reduction in software transaction fees, moving from ACTIVENet to VSI
(\$61,786)	Reduction in operating expenses associated with facility bookings
(\$35,832)	Reduction in security at the Silver Spring Civic Building
(\$32,259)	Reduction in maintenance at the Silver Spring Civic Building

Source: [CUPF FY22 Approved Operating Budget](#)

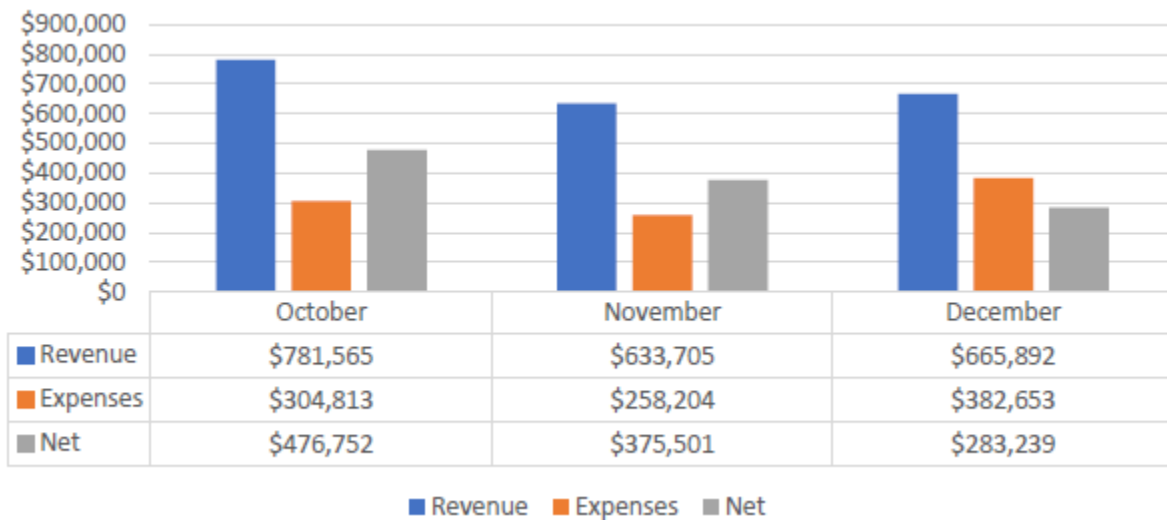
Current Revenue Outlook. After reducing expenses, including lapsing positions and delaying filling positions, and increased community use, CUPF's revenues were finally able to cover its expenses in FY22 (even though revenues for the first quarter were 38% of the pre-pandemic revenues; that number hit 65% for the second

⁴⁰During the 2020-21 school year when school were operating virtually, CUPF provided a 50% discount on facility fees for childcare providers, to help them provide childcare during the pandemic. CUPF estimated that this action saved the childcare providers \$680,000. This affected the fund balance, even though it was not part of the planned ICB spenddown.

⁴¹ ICB October 2021 Meeting Discussion and Packet

quarter).⁴² The table below shows the revenues, expenses, and the net change for the second quarter of FY22 (October through December).

Table 3-4. CUPF FY22 Second Quarter Revenue and Expenses



Source: ICB January 2022 Discussion and Packet

CUPF indicated they will still be cautious with expenditures moving forward for FY22 and they will periodically reassess if or when they need to increase staffing and funding to accommodate the increase in use for public facilities.

⁴² ICB January 2022 Meeting Packet

Chapter 4. Addressing Low-Income, Disadvantaged, and Vulnerable Constituents

Low-income individuals or families are loosely defined as those who earn less or not significantly more than the poverty level. The disadvantaged and vulnerable are those who suffer from structural discrimination (such as women, children, elderly, disabled individuals, black, indigenous, people of color, those living with HIV/AIDS, etc.), potentially causing lifelong, distinct disadvantages.¹ This chapter reviews how the Community Use of Public Facilities addressed these groups through its subsidy programs. Furthermore, it presents how childcare providers in Montgomery County, other jurisdictions, Montgomery County Public Schools, and other organizations address these groups for before and after school childcare.

This chapter is organized into three sections:

- A. Community Use of Public Facilities Programs;
- B. Before and After School Childcare Assistance; and
- C. Montgomery County, Montgomery County Public Schools, and Other Organizations' Efforts for Before and After School Childcare Assistance

A. Community Use of Public Facilities Programs

The Community Use of Public Facilities (CUPF) operates two subsidy programs that address low-income, disadvantaged constituents – the Facility Fee Assistance Program and the Community Access Program for the Silver Spring Civic Building.

a. Facility Fee Assistance Program

In 2017, CUPF started the Facility Fee Assistance Program (FFAP), which is a subsidy program for user groups that directly benefit vulnerable/at risk youth or limited individuals/families.² CUPF created the program to comply with County Council Bill 12-15, “Administration – Office of the Community Use of Public Facilities – Vulnerable Youth and Low-Income Families.”³ The current rules and guidelines for the program are below.

Eligibility	<ul style="list-style-type: none">• Non-profit or for-profit groups based in Montgomery County whose primary goal is to serve vulnerable youth or low-income individuals. Programs and activities not specially directed to benefit vulnerable youth or low-income individuals but include several participants who would be considered a vulnerable youth or a low-income individual are not eligible. The Program should be led by volunteers and offer a free/reduced cost to participants.
Requirements	<ul style="list-style-type: none">• Cannot be used for fundraising, organizational administrative meetings, and programs/events that only benefit the organization or its membership.• Only for MCPS facilities designated as Title I or that serve a high number of FARMS-eligible youth or County buildings. CUPF will make exceptions if a program documents a high number of FARMS-eligible participants. Gyms and auditoriums are eligible, but the reservations cannot be confirmed until 29 days prior to the requested use date.

¹ [Disadvantaged and Vulnerable Groups](#), by the Social Protection & Human Rights

² [Facility Fee Assistance Program](#), by CUPF

³ [County Council Bill 12-15](#)

Amount	<ul style="list-style-type: none"> An organization can receive up to \$5,400 per fiscal year; organizations are required to pay a portion of the facility charges. Unused portions cannot be transferred to another program. Organizations are responsible for paying the costs not covered by the subsidy. The program is funded at \$75,000, with \$25,000 from the General Fund and \$50,000 from CUPF's Enterprise Fund.
Application	<ul style="list-style-type: none"> Users apply online; they are told there is a minimum of 30 days for processing.
Reporting	<ul style="list-style-type: none"> Groups are responsible for filling out a report after the program is completed, indicated how many individuals were served/benefited from their program.

Source: [Facility Fee Assistance Program](#), by CUPF; CUPF staff

After the pilot year (six months in FY17) and the first full year of implementation (FY18), CUPF first succeeded in awarding the full \$75,000 amount in FY19. However, the COVID-19 pandemic affected the FFAP payments in FY20, with only 70% of the available funds awarded (\$52,506). In FY21, the COVID-19 pandemic continued to have an effect since public school facility use was limited beyond childcare and school needs; most of public use was outside. No funds were awarded in FY21 since MCPS requested limited public use of schools. Instead, CUPF focused on providing funds under the youth sports parameters according to the CARES federal funding (see the discussion below). In FY22, due to limited availability of MCPS facilities and CUPF funding constraints, the award budget was reduced to \$37,500; as of January 2022, they have awarded \$5,876.

Table 4-1. FFAP Total Awarded Amounts FY17-FY22

	FY17	FY18	FY19	FY20	FY21	FY22
Budget	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$37,500
Awarded	\$33,314	\$44,754	\$75,000	\$52,506	\$0*	\$5,876**
Surplus	\$41,686	\$30,246	\$0	\$22,494	\$75,000	\$31,624
Groups Awarded	13	24	27	26	0	3

*No funds awarded in FY21 since MCPS requested limited use of public schools. **As of January 2022

Source: CUPF staff

The types of programs covered through FFAP include:

- After school programs
- Job workshops
- Youth mentoring/leadership development
- Holiday gift wrap and distribution
- Language classes/ESOL
- Health fairs
- Summer camps
- Advocacy for individuals with disabilities
- Financial literacy for women
- Food and clothing distribution
- Life skills program
- Mentoring through sports
- Enrichment tutoring

In September 2020, FFAP expanded as CUPF received \$500,000 in federal grant funds (part of the County's "Youth Sports Initiative") from the Coronavirus Aid, Relief, and Economic Security (CARES) Act, to "reduce fees for field and building use for youth sports programs that are primarily serving vulnerable/low income youth and

are free to participants or charge a nominal fee.”⁴ The goal of this funding was to address COVID-19’s impact on youth sports, increasing the “availability of youth sports services and supporting youth sports organizations are important in providing positive, structured activities for children who would otherwise lack access to services that support their healthy development.”⁵ CUPF was tasked with distributing these funds to needy organizations by the end of December 2021, when the grant funding expired.

To address larger groups needs to effectively administer the youth sports, CUPF increased the FFAP limit to \$15,000. CUPF successfully awarded the entire \$500,000 to 91 organizations. Of the funds awarded, 60% were applied to CUPF permits, and 40% were applied to Montgomery Parks permits. Funding awards ranged from as low as \$14 to as high as \$15,000 for six organizations (Burtonsville Athletic Association, I-270 Youth Sports Association, KOA Sports League, Olney Boys and Girls Club, Soccer Shots, and Stoddert Soccer of Maryland).

Other Jurisdictions. Other counties and county school systems do provide reduced rental fees or free rental fees for those organizations who help the underserved. However, their programs or arrangements for these organizations are not explicit as CUPF’s FFAP, with information about the program on a website, along with an application. For example, Fairfax County Public Schools (FCPS) Community Use of School Facilities staff indicated that Fairfax County Government coordinates with FCPS on providing free/reduced use to organizations helping the underserved – but Community Use of School facilities is unaware of the process the County uses and the information about it was not readily available on a website.

b. Community Access Program for the Silver Spring Civic Building

In 2012 CUPF started the Community Access Program (CAP) for the Silver Spring Civic Building to address community groups’ feedback on the Silver Spring Civic Building’s high rental fees compared to other County facilities. This ongoing subsidy started out as a pilot program for FY13, and it was intended to “provide financial assistance and increase opportunities to groups, organizations, and community members” for permitting the Silver Spring Civic Building.⁶ The current rules and guidelines for the program are below.

Eligibility	<ul style="list-style-type: none">• Various community and civic groups that are working on improving and/or positively impacting others in Montgomery County.
Requirements	<ul style="list-style-type: none">• Must make a deposit at the time of submission (\$250 for the Great Hall or Veterans Plaza; \$100 for activity or conference rooms).• Events are required to benefit the residents of Montgomery County and align with the County Executive's priority outcomes: 1) Thriving youth and families; 2) Safe neighborhoods; 3) A more affordable, welcoming County; 4) A growing economy; 5) a greener County; 6) Easier commutes; and 7) Effective, sustainable government.
Amount	<ul style="list-style-type: none">• No limit on award amount. Unused portions cannot be transferred to another program. Organizations are responsible for paying the costs not covered by the subsidy.• The program is funded at \$150,000, all from CUPF's Enterprise Fund.

⁴ County Council Agenda Item #11, [“Special Appropriation to the County Government’s Fiscal Year 2021 Operating Budget, Department of Recreation, Countywide Program - Youth Sports Initiative, \\$500,000 \(Source of Funds: General Fund Reserves\) and Office of Community Use of Public Facilities, Facility Fee Assistance Program – Youth Sports Initiative, \\$500,000 \(Source of Funds: Federal Grant\),”](#) September 15, 2020.

⁵ Ibid.

⁶ [Community Access Program Flyer](#), by CUPF

Application	<ul style="list-style-type: none"> • Users apply online; users are not given a time estimate for processing.
Reporting	<ul style="list-style-type: none"> • None.

From FY17 to FY19, CUPF came closest to awarding the full \$150,000 budget in FY19, with just \$3,139 remaining; CUPF averaged a surplus of \$32,401 in award funding in FY17 and FY18. In FY20, CUPF lost the awarding momentum it built up for FY19 in the first two quarters, only awarding 39% or \$59,914. No funding was awarded for the rest of FY20, because public facility use of the Silver Spring Civic Center was halted due to the COVID-19 pandemic. This carried over into FY21, when the building was only open for part of the year for public use; \$25,000 in funding was awarded. During periods when it was not open for public use, the Silver Spring Civic Center was used for COVID-19 testing and vaccinations. Finally, in FY22, CUPF has awarded \$74,000 as of January 2022, on pace to fully award all funds.

Table 4-2. CAP Total Awarded Amounts FY17-FY22

	FY17	FY18	FY19	FY20	FY21	FY22
Budget	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$112,500
Awarded	\$119,315	\$115,884	\$146,861	\$57,914	\$25,000	\$74,000*
Surplus	\$30,685	\$34,116	\$3,139	\$92,086	\$125,000	\$38,500
Groups Awarded	99	78	86	49	3	17

*As of January 2022
Source: CUPF staff

Awards since FY17 have averaged at least \$1,100 per year, with over 60% of submitted costs covered. Examples of groups who have received more than \$5,000 each individual year from FY17 through FY22 include KID Museum, FreshFarm Farmers Market, and the After School Dance Fund.

B. Before and After School Childcare Assistance

In the current setup for before and after school childcare administered by CUPF, families can apply for vouchers through the State of Maryland's Child Care Scholarship⁷ and the Working Parents Assistance Program⁸ (through the Department of Health and Human Services), applying them towards their fees. Besides vouchers, the onus of assisting low-income and disadvantaged students is on the childcare providers at each school. Most providers offer some form of a scholarship or discount, but they are limited in how much they can distribute and still cover costs. The creation of Equity Hubs (discussed on pages 38-39) during the COVID-19 pandemic demonstrated the

⁷ [Child Care Scholarship](#), by the Maryland Department of Human Services

⁸ [Child Care Subsidy Programs](#), by the Department of Health and Human Services (Montgomery County)

need for before and after school childcare at Title I schools⁹ (or high poverty schools¹⁰), but when childcare providers go to the Title I/high poverty schools, it is difficult to offer a reasonable rate for low-income students and cover expenses on fees alone.

For those providers who have numerous County schools in their portfolio, they can cover some of the expenses at the Title I/high poverty schools with revenues from their higher-earning schools. But for those providers starting out in the County or for those smaller providers, it is hard to offer lower fees and justify costs. That causes those providers to leave the school, starting another cycle of a school without a before and after school provider. Over the past four years, six Title I elementary schools lost their before and after school childcare providers: Cresthaven, Harmony Hills, Kemp Mill, Georgian Forest, New Hampshire Estates, and Roscoe Nix.¹¹

Below are some examples how larger, county public school systems and one county government have taken different approaches to address low-income and disadvantaged students for before and after school childcare – directly through their before and after school childcare programs.

Fairfax County Government	Use a sliding scale for fees, with lower income families paying less.
Fresno County Public Schools	Free for all students attending before and after school care.
Orange County Public Schools	A scholarship program is available to low-income students.

Source: Interviews with Fairfax County Public Schools, Fresno County Public Schools, and Orange County Public Schools

Fairfax County Government – Sliding Scale for Fees

Fairfax County Government uses a sliding fee scale for its county-run program, providing lesser fees for families earning \$132,499 and below. Recognizing the higher cost of living in Fairfax County and in the Washington, DC region, the Office for Children – School Age Child Care (SACC) adjusted their sliding fee scale maximum from \$54,000 to \$132,499 eight years ago.¹² Families earning \$52,999 and lower are only required to pay a monthly fee of \$22 for each student’s before and after school care.

⁹ According to the US Department of Education, Title I, Part A (Title I) of the Elementary and Secondary Education Act, as amended by Every Student Succeeds Act provides financial assistance to local educational agencies and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards.

¹⁰ In Montgomery County Public Schools, a traditional measure for “high poverty” schools is the percentage of students who qualify for Free and Reduced Meals (FARMS).

¹¹ Memorandum to the County Council’s Education and Culture Committee, “Out-of-School Time Programming,” by Ramona Bell-Pearson, Community Use of Public Facilities, page 2.

¹² Interview with Fairfax County Public Schools’ Office for Children – School Age Child Care

**Table 4-3. Fairfax County Government Sliding Fee Scale
for Before and After School Child Care**
Monthly Fee

Gross Household Income	Before School 1 Child	After School 1 Child	BS and AS (Includes 5% discount)
\$132,500 and above	\$197	\$429	\$595
\$119,250 - \$132,499	\$159	\$347	\$481
\$106,000 - \$119,249	\$124	\$272	\$376
\$92,750 - \$105,999	\$93	\$203	\$281
\$79,500 - \$92,749	\$65	\$141	\$196
\$66,250 - \$79,499	\$40	\$86	\$120
\$53,000 - \$66,249	\$18	\$38	\$53
\$52,999 and below	\$6	\$17	\$22

Source: [“Program Fees,”](#) Fairfax County Public Schools Office for Children – School Age Child Care

Note: Fairfax County Public Schools does not charge rental fees for the before and after school program, keeping rates low for students and their families.

SACC staff reports that they used to focus heavily on earning revenue for the program, but they shifted to focus on families that need childcare service the most.¹³ FCPS does require a \$45 registration fee and they require payments one month in advance. They also have different full-day fees for winter and spring breaks, along with the summer.¹⁴ Fairfax County Government does provide funding for the program to help keep the costs lower for students’ families.¹⁵

Fresno County Public Schools – Free for All Students

Since the State of California voters passed California Proposition 49, “Increase Funding for Before and After School Programs Initiative” in 2002¹⁶, the State has ensured that funding goes towards before and after school programs to help students at all income levels. The State created the After School Education and Safety (ASES) program due to Proposition 49, utilizing 21st Century Program federal grants¹⁷ which were underspent during the early 2000s.¹⁸ The purpose of the ASES Program is to “create incentives for establishing locally-driven

¹³ Interview with Fairfax County Public Schools’ Office for Children – School Age Child Care

¹⁴ [“Program Fees,”](#) Fairfax County Public Schools Office for Children – School Age Child Care

¹⁵ [Approved FY22 Fairfax County Public Schools Operating Budget](#), page 333

¹⁶ [California Proposition 49, Increase Funding for Before and After School Programs Initiative \(2002\)](#), by Ballotpedia

¹⁷ The purpose of the 21st Century program grants is to “provide disadvantaged K-12 students with academic enrichment opportunities and supportive services to help the students meet state and local standards in core academic content areas.”

¹⁸ [“Analysis of the 2005-06 \(CA\) Bill – After School Programs and Proposition 49,”](#) by the Legislative Analyst’s Office, February 2005.

Expanded Learning programs, including after school programs that partner with public schools and communities to provide academic and literacy support, and safe, constructive alternatives for youth.”¹⁹

The funding provided to schools for before and after school care is not given to them – they must apply to the ASES program. Elementary schools can receive up to \$152,612.13 per year and middle schools/junior high schools can receive up to \$203,482.84 per year.²⁰ However, applicants must provide a local match (cash or in-kind services) that equals one-third of the grant received.²¹ As part of the grant, schools are required to meet operational requirements, provide detailed budget information, provide quarterly expenditure reports, not use more than 15% of the grant funds on administrative costs (the rest goes directly to students), permit program monitoring from the state, and undergo an annual audit.²²

The Fresno County Superintendent of Schools (California) takes full advantage of the ASES program and uses the funding towards its “Fresno Recreation, Enrichment, and Scholastic Help (FRESH)” before and after school program, which began in 1988 and serves over 140 schools and 40,000 students.²³ The FRESH program receives all its funding from the ASES Program/21st Century Grant funds and matches the funding with in-kind services.²⁴ The coordinator of the FRESH program stated that they have to follow the strict program requirements to continually receive funds each year, such as running at least three hours after school, providing a snack, providing enrichment, and academic support. They like to call their program “expanded school” and not an extension of the day or childcare.

The staff for each site varies and it is up to each of the 33 school districts in Fresno County. The coordinator noted that many staff are paraeducators/teacher aids who love working with kids; they strive to get staff that matches the ethnic diversity of each school, with a good mix of males and females.

¹⁹ [Funding Opportunities](#), by the California Department of Education

²⁰ After School Education and Safety Program Universal Grant Request for Applications, Programs Proposing to Serve Elementary and Middle/Junior High School Students, Fiscal Year 2022-23, the California Department of Education Expanded Learning Division, page 2.

²¹ Ibid, pages 7-17.

²² Ibid, pages

²³ [FRESH](#), by Fresno County Superintendent of Schools

²⁴ According to HUD Exchange, an in-kind match is the value of any real property, equipment, goods, or services contributed to a program grant that would have been eligible costs under the program if the recipient was required to pay for such costs with program grant funds.

Spotlight: 21st Century Grant Funds in Maryland

The 21st Century federal grant funds are distributed under different school requirements for the State of Maryland, compared to the State of California. While any school in California can receive the grant funding, in Maryland, the Maryland State Department of Education (MSDE) limits the grants for “students and families of students who attend schools eligible for Title I schoolwide programs or schools that serve a high percentage of students from low-income families.”²⁵ Another major difference is that in Maryland, the funding is also aimed at educational services for the families of the children.²⁶

MSDE’s “Nita M. Lowey 21st Century Community Learning Centers” (21st CCLC) program does have similar program goals to the ASES program, such as helping students in core academic subjects and providing enrichment activities that complement regular programs. Also, like the ASES program, it is open to city and county governments. As for grant awards, 21st CCLC’s grants range from \$50,000 to \$400,000 per year, depending on the federal allocation to the state; a funding match is not required.²⁷

Organizations from Montgomery County that have recently received the funds include: the Boys and Girls Club of Greater Washington, the Community Services Foundation, GapBusters, Inc., Identity, Inc., the Latin American Youth Center, the Mid-Atlantic Equity Consortium, and the Montgomery Housing Partnership.²⁸ Montgomery County Public Schools has been a CCLC grant recipient for the “Knight Time & Wolverine Time” program since 2020.²⁹ The current three-year grant is for a total of \$1,183,284 (\$394,428/year), with MCPS partnering with Identity to provide programming addressing the social-emotional, and academic issues that affect students who are in English for Speakers of Other Languages programs at Watkins Mill and Wheaton High Schools (grades 9-12). MCPS staff noted that if further 21st Century Grants were pursued beyond the “Knight Time & Wolverine Time” program, more staff would be needed for the grant administration and reporting requirements.³⁰

Orange County Public Schools – Scholarship Program

When Orange County Public Schools (OCPs) collects revenue for its in-house before and after school program or from its outsourced providers, 10% of the revenues go towards central administration for the school.³¹ Within that 10%, 3% is reserved for student scholarships. For a student to qualify for the program, the following requirements must be met:

- Parents must pay for 50% of the tuition; the scholarship covers the other 50%.
- The student must qualify for a free or reduced lunch.
- Both parents or a single parent must be employed or a full-time student.
- The parents must be current with their account (no payments overdue).
- The student must be enrolled in the extended day program.³²

²⁵ [21st Century Community Learning Centers](#), by the Maryland State Department of Education

²⁶ [21st CCCL Competitive Awards Announcement](#), by the Maryland State Department of Education

²⁷ Nita M. Lowey 21st Century Community Learning Centers Grant Application, Fiscal Year 2022 Competitive Award, page 10

²⁸ MSDE List of 2020 21st Century Community Learning Centers Program grantees

²⁹ [Fiscal Year 2021 First Quarter Category and Object Transfers Request for Multi-Year Grants Established Fiscal Year 2020](#),

Memorandum by Superintendent of Schools Jack Smith, November 10, 2020

³⁰ Interview with MCPS staff.

³¹ Interview with Orange County Public Schools School Age Services

³² Orange County Public Schools Application for Extended Day Scholarship

In addition to the scholarship program, OCPS receives 21st Century federal grants. OCPS utilizes the funding for assisting before and after school programs at 12 Title I schools with high poverty rates³³; 11 out of the 12 schools have a poverty rate of 70% or greater.³⁴ OCPS manages two of the grants for four schools and partners with three organizations for eight schools.³⁵

Like Fairfax County Public Schools, Orange County Public Schools is cognizant that their revenues will not cover all their costs; they focus on making their rates affordable for families. Below are the weekly fees they charge, without a scholarship applied.

Table 4-4. Orange County Public Schools Weekly Fees for Before and After School Child Care

<i>Standard Weekly Fees</i>	1st and 2nd Child	Each Additional Child
Morning Only	\$17 per child	\$12 per child
Afternoon Only	\$32 per child	\$27 per child
Morning and Afternoon	\$42per child	\$37per child
Summer Full Day	\$100 per child	\$95 per child
Teacher Workday/Student Holiday	\$20 per day, per child	

Source: [Orange County Public Schools Program \(School Age Services/AfterSchool Programs\)](#)

C. Montgomery County, Montgomery County Public Schools, and Other Organizations' Efforts for Before and After School Childcare Assistance

Over the past several years, Montgomery County Government, Montgomery County Public Schools, and County partner organizations have strived to expand out-of-school time across the County, especially in Title I or high poverty schools. Out-of-school time (OST) is defined as “a supervised program that young people regularly attend when school is not in session...this can include before and after school programs on a school campus or facilities such as academic programs (e.g., reading or math focused programs), specialty programs (e.g., sports teams, STEM, arts enrichment), and multipurpose programs that provide an array of activities (e.g., 21st Century Community Learning Centers, Boys and Girls Clubs, YMCAs).”³⁶

Local organizations such as the Children’s Opportunity Fund, along with MCPS, and Montgomery County Government have studied OST and presented the many benefits it provides, such as “improving student attendance and year-to-year retention, increasing positive skills and beliefs, and improving educational

³³ [21st Century Community Learning Centers](#), by Orange County Public Schools School Age Services/AfterSchool Programs

³⁴ [Orange County Public Schools Title I School & Poverty Percentage](#)

³⁵ [21st Century Community Learning Centers](#), by Orange County Public Schools School Age Services/AfterSchool Programs

³⁶ [“Out of School Time.”](#) by the Centers for Disease Control and Prevention

outcomes such as on-time grade promotion.”³⁷ In particular, the Office of Legislative Oversight (OLO) has studied OST and its benefits extensively; more information can be found in the following OLO reports:

- [*Memorandum Report: Excel Beyond the Bell \(Report 2015-14\)*](#)
- [*Out of School Time and Children’s Trusts \(Report 2016-11\)*](#)
- [*Local Perspectives on Out of School Time in Montgomery County \(Report 2018-2\)*](#)
- [*Afterschool Bookings at MCPS Elementary Schools \(2019-3\)*](#)

To increase OST in schools, the County has invested in programs such as Linkages to Learning³⁸ (operated by Health and Human Services and MCPS) and Excel Beyond the Bell³⁹ (led by the Recreation Department). It has also provided funding for local organizations to provide OST, such as the Collaboration Council, the Children’s Opportunity Fund, and the Black and Brown Coalition for Education Equity and Excellence. Most of the OST programs are not intended to provide childcare before and after school; however, they often compete with the enrollment for CUPF’s before and after school childcare providers.

COVID-19 Pandemic. The County amplified its OST efforts during the COVID-19 pandemic, especially when students were required to attend school virtually and did not have as many opportunities to socialize with other students, be involved in group sports, and receive academic enrichment. Furthermore, many students lacked supervision during the day, technical support, and internet access – worsening issues already facing low-income families before the pandemic.

In response to the urgent needs for students and families, CUPF collaborated with MCPS in the spring and summer of 2020 to allow before and after school childcare programs to resume their operations in schools, as well as provide care during the school day, for the start of the 2020-21 school year. Once MCPS gave approval to allow childcare providers to operate in schools, CUPF and MCPS coordinated the creation of 56 “Learning Hubs”⁴⁰ at schools, with CUPF providing a 50% discount on facility fees for the providers.⁴¹ CUPF provided this discount for the entire school year to help childcare care providers with costs, using its fund balance; CUPF estimated the savings for providers at \$680,000.⁴²

In addition, CUPF worked with the Department of General Services (DGS) on finding other, non-school sites to assist with childcare needs during the virtual school year. They successfully opened two more sites at the Black Rock center for the Arts and at White Oak Library. CUPF reached out to childcare providers to serve the sites, but there was little to no interest because the providers were short staffed. KidsCo eventually provided childcare at both sites through a contract developed by DGS.

The County Council and County Executive also made funding for childcare and OST overall a pandemic priority, helping address the critical needs of students and families. In addition to the \$500,000 CUPF received to help with youth sports (discussed on pages 29-30), the chart on the next page displays the expanded/enhanced funding dedicated to OST during FY21 and FY22.

³⁷ [*“Local Perspectives on Out of School Time,”*](#) by Kelsey Berkowitz, David Friedland, and Natalia Carrizosa, the Office of Legislative Oversight, December 5, 2017.

³⁸ [*Linkages to Learning*](#), by Montgomery County Public Schools

³⁹ [*Excel Beyond the Bell Elementary*](#), by the Montgomery County Department of Recreation

⁴⁰ The name morphed to “Equity Hubs” as ideas and funding evolved.

⁴¹ Interviews and correspondence with CUPF.

⁴² CUPF-provided estimate.

	Amount	Department/Organization	Purpose
FY21	\$550,000	Collaboration Council	Youth Sports Initiative
	\$500,000	Department of Recreation	Youth Sports Initiative
	\$7,687,000 ⁴³	Early Care and Education Non-Departmental Account	School-age childcare during distance learning
	\$200,000	Collaboration Council	After School Youth Support and Engagement Hubs
	\$3,600,000	Greater Washington Community Foundation/Children's Opportunity Hub	Educational Enrichment and Equity Hubs
	\$312,455	Department of Health and Human Services	Therapeutic recreation services for school-aged youth
FY22	\$112,500	Department of Recreation	Summer camps
	\$520,000	Department of Recreation	Summer Fun Centers & enhanced programming at summer camps
	\$99,685	Department of Recreation	Food, Fun, Fitness program to wrap-around MCPS summer school
	\$330,000	Department of Recreation	Expedite reopening of Excel Beyond the Bell & RecXtra sites
	\$384,891	Department of Recreation	Expand Excel Beyond the Bell
	\$530,000	Department of Recreation/Collaboration Council	Community-based summer programming for low-income children or Title I communities

Source: ["Receive updates on Out of School Time \(OST\) programming and discuss priorities and planning for expansion of OST programming to address community needs,"](#) by Vivian Yao, October 28, 2021

Within these programs and initiatives, those shaded in gray included school-age childcare during distance learning, After School Youth and Engagement Hubs, and Education and Engagement Hubs. The hubs or "Equity Hubs" as they have been commonly called, provided childcare that families needed during the period when schools were operating virtually.⁴⁴ These hubs evolved from the Learning Hubs originally started by CUPF and MCPS to become "Equity Hubs" that provided funding and resources for low-income students and families.

The Equity Hubs' assistance was made possible by the Children's Opportunity Fund (COF), partnering with Black and Brown Coalition for Education and Excellence, MCPS contributing \$3.6 million, and the funding provided by the County Council above for the 2020-21 school year. During the school year, the program expanded to 70 sites.⁴⁵

The COF worked with 12 childcare providers to provide services for over 1,500 kindergarten through eighth grade students at schools (including many Title I schools), Monday through Friday from 8:00AM to 5:00PM.⁴⁶ The 12 providers⁴⁷ all operated before and after school childcare at elementary and middle schools through

⁴³ This included: \$1.8 million to support grants to providers to reopen childcare classrooms in public school buildings; \$5.6 million to support childcare tuition for children in low income families and children in foster care; and \$0.3 million for HHS staffing to administer the grants to childcare providers and provide tuition support services.

⁴⁴ "Equity Hubs Final Report," by the Children's Opportunity Fund, July 30, 2021

⁴⁵ Interview with the Children's Opportunity Fund.

⁴⁶ "Equity Hubs Final Report" and [Educational Enrichment and Equity Hubs in Montgomery County](#).

⁴⁷ Academy, Bar-T, Cosmic Kids, Global, Horizons, Montgomery Child Care Association, Kids After Hours, Kids Adventures, Kids Co., Kid Power, Rockville Daycare Association, and Wonders.

CUPF's before and after school childcare program. Through the Equity Hubs, COF had program takeaways that may be applied to before and after school childcare in the future:

- **Reduced Fees** – one of the greatest barriers for low-income families is affording the fees.⁴⁸ With the funding raised through donations from organizations and funding from Montgomery County, the Equity Hubs were able to provide reduced fees to eligible students. Families paid up to \$50 a month and the average family income was less than \$30,000 a year.⁴⁹ Furthermore, the application form for fee assistance was simplified, only asking 10 questions – unlike other complicated fee assistance forms.⁵⁰
- **Transportation** – another significant barrier for low-income families is transportation to and from the school.⁵¹ MCPS and childcare providers (who were reimbursed by COF and its partners) provided transportation for students from their homes to school and back to their homes; the transportation was provided through March 2021.
- **Mixed Need for Childcare in Title I Schools** – with reduced fees and transportation, participation was high at Title I schools such as Highland, Clopper Mill, and Wheaton Woods (all experienced months with over 50 participants). However, attendance was low (usually 10 or less per month) at other Title I schools, such as Harmony Hills, Georgian Forest, New Hampshire Estates, and Roscoe Nix.⁵²
- **Childcare Provider Partnership** – the childcare providers worked with COF on the reduced fees (getting reimbursed from COF), providing transportation (again, getting reimbursed), and being flexible, ensuring that the students received childcare during the ever-changing guidelines from the pandemic. In addition, the childcare providers interviewed appreciated that the COF reimbursements were much easier to manage as compared to voucher systems through the State of Maryland or Montgomery County's Health and Human Services.

Current Workgroups on Out-of-School Time. Building off what was learned since the COVID-19 pandemic began, representatives from CUPF, Recreation, HHS, MCPS, the Montgomery County Collaboration Council for Children, Youth, and Families, the Children's Opportunity Fund, and the Black and Brown Coalition for Educational Equity and Excellence have been meeting periodically about the expansion of out-of-school time (OST) opportunities in the County. The work group's focus has been determining ways to provide OST programming for Title I and high FARMS rate schools, while utilizing resources available.⁵³

MCPS also had a separate OST workgroup, which concluded in December 2021, providing the following findings and recommendations on OST programs – however the focus for this workgroup is on after school programming and *not* before and after school childcare:

⁴⁸ [“Why Are So Many Kids Missing Out on Afterschool?,”](#) by Jenna Doleh, Wallace Blog, March 3, 2021

⁴⁹ [“Equity Hubs give families struggling financially a chance at pandemic pods,”](#) by Donna St. George, the Washington Post, December 25, 2020.

⁵⁰ Interview with the Children's Opportunity Fund

⁵¹ [“Why Are So Many Kids Missing Out on Afterschool?”](#)

⁵² Figures for attendance were provided by the Children's Opportunity Fund.

⁵³ [“Discuss requested follow up from November Joint Committee session and receive additional updates on OST planning.”](#) by Vivian Yao, January 20, 2022.

- Access is a major issue for families (financial access to the programs, language accessibility, and transportation are barriers).
- All programming should be free as money is seen as a huge barrier for parents.
- Identify centralized staff that focuses primarily on OST (development, implementation, and monitoring).
- Create a centralized space/platform that families can learn about the various OST opportunities both sponsored by MCPS and by external partnering agencies (MCPS created an [OST website](#)).
- Increase transportation needed for student participation particularly in elementary schools.
- Expand programming for elementary and pre-K students.⁵⁴

⁵⁴ [“Discuss requested follow up from November Joint Committee session and receive additional updates on OST planning.”](#)

Chapter 5. Before and After School Childcare Selection Process

As part of its core functions, the Community Use of Public Facilities (CUPF) facilitates the placement of before and after school childcare at Montgomery County Public Schools (MCPS). Before and after school childcare is provided by a licensed childcare provider at MCPS elementary schools and a few middle schools. The care covers school-aged children the time before the academic school day starts and after the day ends, along with early release days, school administrative days, snow days, and winter/spring break. This chapter will review the origin of the before and after school childcare selection process at CUPF, the law that governs the process, and why the process is currently suspended. This chapter is organized into three sections.

- A. Background and Timeline of the Before and After School Childcare Selection Process;
- B. Executive Regulation Governing the Process and the Process Timeline; and
- C. Lawsuits and Suspension of the Selection Process.

A. Background and Timeline of the Before and After School Childcare Selection Process

In 1986, the before and after school childcare selection process authority was delegated to CUPF from MCPS, who can administer programs other than school purposes through Maryland Code.¹ The Interagency Coordinating Board (ICB) originally approved a selection process that same year, along with giving CUPF the authority to issue use permits to providers and to reimburse MCPS for utilities and maintenance costs as part of a Memorandum of Understanding with MCPS.² The table below captures the major milestones to the process since its inception with CUPF.

Major Milestones for CUPF's Before and After School Childcare Selection Process

1986	CUPF-administered before and after school childcare selection process begins. Bids for providers were at the request of the principal, typically for a new school opening, a school without before and after school care, or if a provider left.
2007	CUPF started a scheduled bidding process, in which a bid occurs every seven years at each school.
2014	The County created an Executive Regulation to govern the selection process, in a response to a provider lawsuit contesting the validity of the process. ³
2015	The Executive Regulation was updated, extending the sunset date to July 31, 2017. ⁴
2016	The Office of Internal Audit audited the before and after school childcare selection process. ⁵ The audit found that CUPF was compliant in all major aspects of its role for the selection process. The audit did recommend that CUPF improve its formal documentation of the process, involve childcare subject matter experts in training principals and selection committee members, increase cross-training of process internally with other

¹ [Maryland Education Code § 7-109](#)

² The Memorandum of Understanding, "Interagency Reimbursement Agreement," between MCPS and the County/CUPF is discussed further in Chapter 3.

³ [Montgomery County Executive Regulation 15-14 AMIII, Before and After School Childcare Programs in Public Schools, adopted on December 2, 2014](#)

⁴ [Montgomery County Executive Regulation 15-14 AMV, Before and After School Childcare Programs in Public Schools, adopted on December 8, 2015](#)

⁵ [Program Assessment of Community Use of Public Facilities Before and After School Childcare Programs in Public Schools \(MCIA17-1\), by Montgomery County's Office of Internal Audit, September 2, 2016](#)

Before and After School Childcare Selection Process

	CUPF staff, and improve communications with stakeholders. CUPF finished responding to all audit recommendations in June 2018. ⁶
2017	The Executive Regulation was updated ⁷ , reflecting coordination of the bid cycle with Department of Health and Human Services bid process for all-day childcare at schools, allowing incumbent providers to be interviewed if they do not have one of the top application scores, and providing a process to manage complaints related to childcare services by providers at the school facilities. ⁸
2018	The before and after school childcare selection process was suspended indefinitely in the fall of 2018 due to litigation that challenged the application of the Executive Regulation. MCPS and CUPF indicated they will work on revisions to the selection process and the Executive Regulation. ⁹
2019	The Executive Regulation sunset, without a new regulation in place to govern the process.
2022	The before and after school childcare selection process continues to be suspended. A new Executive Regulation governing the process is still a work in progress.

NOTE: In conjunction with the Executive Regulation creation, the Board of Education approved Resolution 19-13, which delegated CUPF the authority to administer the before and after school childcare selection process – *according to the Executive Regulation*. Previously, it was delegated without the guidance from the Executive Regulation.

Landscape of Childcare Providers at County Schools. CUPF is not the only entity in the County that selects childcare providers to use space in government facilities.¹⁰ The Department of Health and Human Services and Montgomery County Public Schools also select childcare providers – although the latter two programs focus on pre-school age children. The differences in the three programs are in the chart below.

Entity	Age Group	Time Period	School Space	Enrollment Eligibility
CUPF*	School age	Before and after school	Shared	Students at the school
HHS	Infants through age five	All-day	Dedicated space in the school or modular unit	Open to the public
MCPS	Infants through age five	All-day	Unused school areas or a modular unit	Open to the public

NOTE: The spaces in the schools for MCPS programs are only available due to lower enrollment at a school. Once enrollment increases, the space may be needed for school instructions.

*See footnote #10.

Source: [“Frequently Asked Questions: Before and After School Childcare, “by the Community Use of Public Facilities](#)

Therefore, some schools can have multiple childcare programs. Furthermore, the programs through CUPF, HHS, and MCPS all have their own, separate application, bid process, and bid process cycle (as part of Executive Regulation 6-17 AM, CUPF and HHS were working on syncing bid cycles until the CUPF selection process was put

⁶ Interagency Coordinating Board Packet from June 6, 2018

⁷ [Montgomery County Executive Regulation 6-17 AM, Before and After School Childcare Programs in Public Schools, adopted on July 25, 2017.](#)

⁸ Joint Health and Human Services and Education Council Committee Worksession, “Executive Regulation 6-17 – Before and After School Childcare Programs in Public Schools,” by Vivian Yao, July 11, 2017.

⁹ Interagency Coordinating Board Packet from December 12, 2018.

¹⁰ As noted on pages 45-47, Executive Regulation 6-17AM governing the before and after school childcare selection process expired in 2019. There have not been changes in providers since the regulation expired. Without an Executive Regulation in place, CUPF stated that the bid process for before and after school childcare is “completely under the ownership of MCPS.”

on hold in 2018). If one provider is capable and interested in all three types, they will have to submit separate applications.

Schools may also have County-run programs in addition to childcare programs, such as Excel Beyond the Bell and Linkages to Learning. These programs draw from the same school age children who may participate in the before and after school childcare at a particular school.

B. Executive Regulation Governing the Process and the Process Timeline

The before and after school childcare selection process delegated to CUPF by MCPS is governed by Executive Regulation 6-17 AM, "Before and After School Childcare in Public Schools." Key components of the regulation include the following:

Schedule	CUPF must set a seven-year cycle for each school's before and after school childcare selection process. The only time the cycle may be delayed beyond seven years is when CUPF and HHS perform a joint request for applications (can be two separate providers selected for each program).
Pre-Selection Communication	CUPF must notify the school principal and childcare provider 45 days in advance that the school will be subject to a competitive selection process. The principal must notify the school community and the childcare provider must notify the parents of the children using their services. CUPF will notify the public after the 45 days that it is seeking applications on its website and at least one local newspaper.
Selection Committee	The selection committee is charged with evaluating the applications, conducting interviews, and selecting the childcare provider. It must have at least five members but not exceed nine. The committee can consist of any combination of staff, parents, or others chosen by the school principal. The committee must include a parent whose child(ren) use the incumbent provider's before and after school childcare services. CUPF staff will be at all selection committee meetings, providing administrative support and assistance in determining if conflicts of interest disclosed by selection committee members necessitate disqualification. Prior to the committee meetings, CUPF will train the committee members on the process.
Application Criteria	The selection committee must consider the following when scoring each application: non-profit status; organizational experience; demonstrated ability to deliver quality services; the proposed program and services; proposed fees and policies; opportunities for parent involvement and approach to conflict mediation; references; feedback from the school community six months prior to the bid; and any other relevant criteria approved by the Superintendent or designee. It is optional if committee members want to visit sites operated by the applicants.
Interview Criteria	The selection committee must develop the interview questions, asking the same questions to each applicant with the same scoring weight. A minimum of the top three highest rated applicants must be interviewed, unless fewer than three apply. The incumbent childcare provider can also be interviewed if they are not in the top three applicants.
Selection	Scores from each of the raters for the applications and interviews will be combined; the highest scoring applicant will be the childcare provider at the school.

Before and After School Childcare Selection Process

Post-Selection Communication	CUPF must post the name of the winner on its web page for 30 days. If not selected, the incumbent must notify the impacted parents about the selection committee's decision. The new provider will be offered the opportunity to get services in place for the following school year. The principal will notify the school community about the decision on the school's website and through other available resources, such as a newsletter.
Appeal Process	An applicant may submit a written request for review within five business days after the decision is posted by CUPF. It must include a statement supporting the applicant's complaint that CUPF failed to comply with the regulation and include the following information: detailed facts/documents; a citation to the relevant language in the solicitation, regulation, or law relied upon; and any other information the applicant believes supports the appeal. CUPF must notify MCPS and other known applicants who may be affected by the review. Other affected applicants can also submit written documents or comments regarding the request for review. CUPF may submit the information to the ICB or a designated hearing officer for review. The ICB will make the final decision and mail it to the applicant; no further right to administrative appeal is available.
Remedies	The ICB may require CUPF and MCPS to cancel the solicitation or require CUPF and MCPS to issue a new solicitation that follows the process in the regulation.
Complaint Management	Complaints about the providers' childcare services will be directed to the ICB who will have a subcommittee to review the complaints. The subcommittee will include members of the ICB and a childcare professional from HHS. If there are a significant number of complaints, the ICB, along with the principal, may request that the provider conducts a parent satisfaction survey. The provider must share the results within 30 days of the survey being taken. The principal may request a re-bid for the following school year if repeated conflict mediation efforts have not resolved the issues and most parents of enrolled children indicate a high level of dissatisfaction.

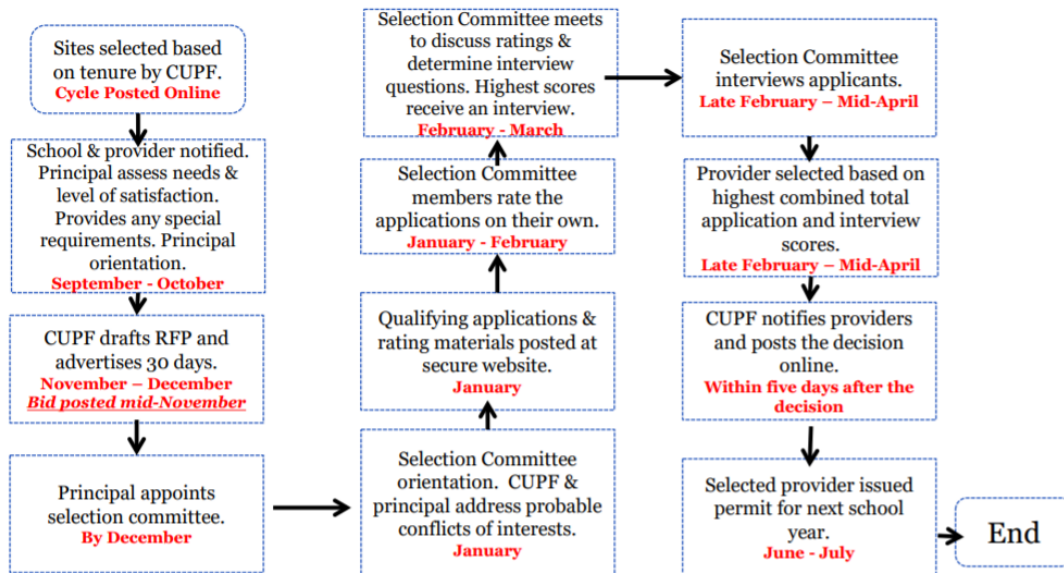
A key component in the application review process is giving priority to non-profit childcare providers, as required by the State of Maryland Education Code § 7-109. The Code states that for the use of school property other than school purposes, the school board “shall give priority to non-profit day care programs for use of public facilities before and after school hours.” CUPF accounts for this priority by awarding non-profit organizations five additional points when rating applications. Therefore, for-profit providers can score as high as 100 on their application. Non-profit providers can score as high as 105 on their application, receiving the five additional points.¹¹

¹¹ These five points are awarded on each individual application review; for example, a nonprofit would receive 30 additional points from 6 raters.

Childcare Selection Process Timeline. Overall, the process starts in the fall and concludes in the spring, taking approximately seven months.



CUPF Before and After School Childcare Bid Process & Timeline



Source: [“CUPF Before and After School Childcare Bid Process & Timeline,” by CUPF](#)

C. Lawsuits and Suspension of the Selection Process

Recent Lawsuits. In 2018, two lawsuits were filed against the County related to CUPF’s before and after school childcare selection process. Both providers who started the cases were incumbent providers that lost the bid to remain at their respective elementary school.

Farmland Childcare Development Center vs. Montgomery County (2018) – Farmland Childcare Development Center filed a Circuit Court complaint in the spring of 2018 for an emergency injunction to the decision placing Kids Adventures, Inc. at Wayside Elementary School, beginning with the 2018-19 school year. Farmland, a provider at the school since 1989, claimed that CUPF did not align with the bid process outlined in Executive Regulation 6-17 AM, including not complying with timely parent notification, not fully vetting committee member conflict of interest disclosures, and not meeting Maryland’s Open Meeting Act provisions.¹² Furthermore, Farmland argued that CUPF did not give sufficient priority to non-profit childcare providers in the before and after school selection process.¹³

The judge ruled in favor of Farmland, due to Executive Regulation 6-17 AM violating State law, not giving sufficient priority to a non-profit childcare provider.¹⁴ Specifically this violation was for how CUPF gave five

¹² Interagency Coordinating Board Packet, September 12, 2018, Item 5.0, Page 2.

¹³ Ibid.

¹⁴ Ibid.

additional points to non-profit childcare providers and if there was a tie between a for-profit childcare provider and a non-profit childcare provider, the non-profit childcare provider would win.

After the ruling, the County, the Board of Education, and Farmland agreed that Farmland would remain at Wayside Elementary School for the 2018-19 school year. The school could be added to the next year's bid process if the executive regulation was modified and followed State law. The parties also agreed that CUPF could issue permits for the providers who won bids at other schools for the 2018-19 school year.¹⁵

Wonders Early Learning vs. Montgomery County (2018) – Wonders Early Learning filed a Circuit Court complaint in the summer of 2018 seeking an injunction to the decision placing Bar-T, Holding, Inc. at Somerset Elementary School, beginning with the 2018-19 school year. Wonders was the incumbent provider at Somerset Elementary School since 1986 and like Farmland, primarily argued that sufficient preference was not given to Wonders, as a non-profit provider.

However, the judge found that the process CUPF used for awarding priority to non-profits was reasonable and consistent with State law.¹⁶ The judge said that the main difference between the Wonders case and the Farmland case is that Farmland pursued the injunction in the spring of 2018, while they still had an active permit at Somerset Elementary School.¹⁷ Wonders, however, pursued their case in August, after their permit expired. Furthermore, the judge did not think there would be irreparable injury to Wonders if it lost Somerset Elementary School, since it had two other locations – unlike Farmland, who only had one location.¹⁸ Overall, the judge stated Wonders did not fulfill “all of the necessary requirements with respect to the production of evidence, the burden of proof, for an injunction to issue. And for that reason, the Court will deny the petition for a preliminary injunction.”¹⁹ Wonders withdrew their lawsuit on August 9, 2018.²⁰

Before and After School Childcare Selection Process Pause. Due to conflicting results of the two cases and that the regulation would sunset in July 2019, the County and MCPS jointly decided to suspend the before after school childcare selection process.²¹ This decision meant that schools up for bid in the spring of 2019 would keep their current childcare providers. This decision also meant that the pilot joint-bid for CUPF and HHS programs at Galway Elementary School for the 2019-20 school year would be on hold too.²² As discussed on page 43, CUPF and HHS were planning on syncing the bid process cycles for their respective before and after school childcare and all-day childcare (infants through age five).

The County and MCPS agreed to work on revising the before and after school bid process to meet State law. Through meetings with MCPS and CUPF, the plan is to create another executive regulation. As of spring 2022, a new executive regulation is not in place.

However, CUPF and MCPS have been meeting about a new process, looking at comparable jurisdictions, and discussing pertinent issues such as school security and fingerprinting/background checks for permit holders.²³

¹⁵ Ibid.

¹⁶ Interagency Coordinating Board Packet, September 12, 2018, Item 5.0, Page 2.

¹⁷ Judge's Ruling Transcript, Farmland Child Development Center, Inc., Et Al. (Plaintiffs v. Montgomery County Maryland, Et Al.(Defendants), Civil No. 448055, August 7, 2018, Page 7.

¹⁸ Ibid, Page 13

¹⁹ Ibid, Page 16

²⁰ Interagency Coordinating Board Packet, September 12, 2018, Item 5.0, Page 2.

²¹ [Childcare Programs in MCPS by CUPF](#) and Interagency Board Packet, December 12, 2018, Item 4.0, Page 4.

²² One of the changes from Executive Regulation 15-14 AMV to -5-17 AM was for HHS and CUPF to coordinate childcare bids.

²³ Interagency Coordinating Board Packet, March 20, 2019, Item 4.0, Page 5.

CUPF and MCPS are planning to pilot a revised process. They are looking at doing a bid for Clarksburg Elementary School and Snowden Farm Elementary School (two existing schools without childcare that requested it) and potentially for new schools planned in Gaithersburg and Clarksburg.

Chapter 6. Before and After School Childcare Selection Case Studies

To get a better understanding of how other counties administer their before and after school childcare selection process, OLO selected six case studies locally and nationally that linked directly to the challenges identified by stakeholders. OLO reviewed five counties that have a selection process (Baltimore County, MD; Charles County, MD; Frederick County, MD; Orange County, FL; and Prince George's County, MD) and for comparison purposes, one county that runs its own before and after school childcare program (Fairfax County, VA). To obtain the information needed, OLO researched all the counties' websites, interviewed/emailed responsible staff, and reviewed five Requests for Proposals. This chapter presents the key findings from the review of the counties, followed by the individual case studies.

Key findings from the case studies are as follows:

- A procurement or purchasing department conducted the bid for all counties, with assistance from afterschool program administrators as needed.
- All used a formal Request for Proposals (RFP) process for selecting childcare providers either for an individual school or for collecting a pool of providers for schools to choose from.
- Three counties (Baltimore County, Orange County, and Prince George's County) use a two-step process in which a pool of providers first applies through an RFP to be qualified or used for a school system. Then a school chooses a provider (through another, shorter RFP or an informal selection) or a school is assigned a provider.
- Cycles for bids vary, with only Frederick County having a longer cycle than Montgomery County (seven years for Montgomery County).

Five Years	Baltimore and Charles Counties
Five Years, Including Contract Renewals (three-year contract with two one-year renewals)	Orange County
Six Years, Including Contract Renewals (two-year contract with two two-year renewals)	Prince George's County
As Needed	Frederick County

- The RFPs stipulate specific details regarding provider expectations and costs, along with fees charged to student's families. For example, in Orange County, the provider must pay an 13% of its gross revenues to the school system. In Prince George's County, the student rates should not exceed \$100/week for before and after school care for the first two years.
- Parents are not required to be on selection committees for RFPs. However, when schools pick from a pool of providers (after they have gone through an RFP process), parents are included in the processes in Baltimore and Orange counties. They are not included for that second step at Prince George's County.
- Principals are not required to be on selection committees for RFPs – except for Orange County. However, school staff are typically involved in lieu of the principals' participation.

- The total number of providers serving counties varies: Baltimore County, MD (7 providers for 115 schools); Charles County, MD (1 provider for 22 schools); Frederick County, MD (3 providers for 31 schools); Orange County, FL (5 providers for 85 schools); and Prince George's County (4 providers for 73 schools). As a comparison, Montgomery County has 15 providers for 115 schools.
- Two counties in Maryland exclusively selected non-profit childcare providers (Baltimore County, and Frederick County). The other three counties studied could select non-profit and for-profit providers.

Key findings from Fairfax County, which uses their own county-run before and after school childcare program:

- The county-run program does not pay any facility fees to Fairfax County Public Schools, but it does pay \$1 million annually to offset supplies and operating expenses.
- The before and after school childcare program uses dedicated space, which includes a bathroom. It also uses shared space such as the gymnasium and the playgrounds.
- The principal is not involved with before and after school childcare operations, but school staff do coordinate with the county childcare staff.

Baltimore County, Maryland

Administering Department or Program: [Office of Purchasing](#), Baltimore County Public Schools

Process for Before and After School Childcare Selection: Two-step process that was created by a cross-functional team of legal, curriculum, procurement, and school-based individuals. First, there is a formal solicitation every four years to prequalify the childcare providers (pool of childcare providers that can operate at schools). Second, there is a Request for Proposals for each school – only open to the prequalified providers (see Appendix B).

Bid Requirements: since there is already a pre-qualification process that requires information about the providers, the Request for Proposals only asks that the providers prepare a proposal answering the following questions:

Item #	Description
1	Do the educational program and additional educational experiences offered meet the needs of our students?
2	Do the hours proposed for the program meet the needs of our parents?
3	To what extent does the program offer childcare after hours for school events/ meetings?
4	To what extent does the plan for regular communication meet the needs of the parents?
5	To what extent does the plan for regular communication meet the needs of the principal?
6	Does the ratio proposed for teachers to students support student needs?
7	Does the daily student schedule include homework and active time in adequate portions?
8	Does the provider offer a full day summer program?
9	Does the cost for the program meet the needs of the parents?
10	In the event of unplanned early dismissal, do the services offered by the provider to assist in parent notification meet the needs of the school?

Cycle for New Bids: a period of up to five years. Schools can repeat the selection process if they want to change providers or if their provider loses its pre-qualified status.

Responsible for Selecting Providers: For the pre-qualification process, a small cross functional team (participants identified above) selects the group of providers. For the selection at each school, a selection committee (two school administrators and three parents) makes the decision. The principal does not have to participate.

Bid Evaluation: the selection Committee members can evaluate the providers as a group together or individually based on the 10 RFP question responses. The highest total score wins the bid; there is no interview process.

Number of Providers: there are currently seven providers serving the elementary schools.

Types of Providers: only non-profit childcare providers in “an effort to keep costs low for parents.”

Provider Costs: the provider pays a rental fee based on the interior square footage planned to be used; includes all facilities usage charges (e.g., utilities, custodial staff, etc.).

Student Fees: no guidelines, but providers are expected to keep reasonable fees.

Charles County, Maryland

Administering Department or Program: [Purchasing Division](#) with guidance from the [Department of Community Services](#), Charles County Government

Process for Before and After School Childcare Selection: there is a Request for Proposals for a provider to serve one center for all-day childcare (infants through pre-kindergarten) and before and after school childcare services (school age children) at all elementary schools.

Bid Requirements: a transmittal letter, approval of provider's governing body to submit a proposal, description of the proposed program (qualifications, the details of the program, and the provider's experience), and any additional items the provider wishes to submit for consideration. The selected provider is required to receive periodic performance evaluations.

Cycle for New Bids: five years. A contract is signed for one year, with an option for (4) one-year renewals.

Responsible for Selecting Providers: an evaluation committee lead by the Department of Community Services.

Bid evaluation: proposals are rated by qualifications (approval of a governing body, firm experience, and additional items), the proposed program, and price. Providers may have to make oral presentations or conduct interviews to clarify their proposals.

Number of Providers: one for the entire school system (22 schools). The current provider is AlphaBEST.

Types of Providers: open to for-profits and non-profits.

Provider Costs:

- The provider will be required to pay "building services staff fee" to the Charles County Public Schools for each school site. The fee is currently assessed at \$14,364 per month, for a total amount of \$143,640 for the entire school year.
- The provider must pay Charles County Government an administrative fee of \$1.75 per child, per week for all programs by the fifteenth (15th) day of the month for the preceding month. Charles County Government invoices the provider based on enrollment numbers, which are provided each month to the Department of Community Services.

Student Fees: the selected provider cannot charge a fee for participants on winter and summer breaks. It also states the provider cannot charge extra for care on early dismissal days.

Fairfax County, Virginia

Administering Department or Program: [Office for Children – School Age Child Care \(SACC\)](#), Fairfax County Government

Process for Before and After School Childcare Selection: none – SACC is a Fairfax County Government-run program, using County staff at 142 schools.

Student Eligibility: all students, including those with special needs. Two centers serve students ages 5-21 with multiple types of disabilities.

Space Use: dedicated space, including a bathroom with two sinks. Also use shared space such as the gymnasium and playgrounds.

School Involvement: the principal is not involved with before and after school operations, but County employees coordinate with school staff - especially when there are school events that conflict with space needs.

Transportation: provided by FCPS for those students who attend before and after school care at a school that is not their base/home school (such as schools with language immersion programs).

Facility Use Fees: the County does not pay any facility use fees to Fairfax County Public Schools (FCPS). However, the County does pay \$1 million annually to offset supplies and operating expenses

Student Fees: as noted in Chapter 4, fees are based on a sliding scale with families who earn \$132,499 and less paying reduced fees.

Frederick County, Maryland

Administering Department or Program: [Purchasing Department](#), Frederick County Public Schools

Process for Before and After School Childcare Selection: there is a Request for Proposals for each school; the provider is also expected to offer summer childcare services (see Appendix C).

Bid Requirements: a technical proposal including certification, certification of compliance, conflict of interest disclosure form, questionnaire, supporting documents, and a fee proposal.

Cycle for New Bids: as needed. Either for a new school, change in demand for before and after school care at a school, or if a provider underperforms.

Responsible for Selecting Providers: an evaluation committee of FCPS staff.

Bid evaluation: proposals are rated by business structure, qualification and training, licensing and insurance, legal issues and financials, value added services, and references. Providers may also be subject to a questionnaire, an interview, or a site visit. Fee proposals are not rated because “the costs of the services are borne by the parents who utilize the services.”

Number of Providers: there are currently three providers for 31 schools, with YMCA at most schools.

Types of Providers: non-profits. However, if a non-profit provider closes a program or fails to open a program that has a minimum of 15 students, FCPS retains the right to contact other existing qualified non-profit or for-profit providers (for-profits are a last resort) to establish a program for that site.

Provider Costs: the provider must pay for the use of the facilities, which can include a facility fee, a labor fee, and an administrative processing fee. For days the provider is open and the school is closed, the provider pays for the custodial labor charges for the day.

Student Fees: no guidelines.

Other: the provider is expected to establish and maintain a program at each site if there are a minimum of 15 students registered.

Orange County, Florida

Administering Department or Program: [Procurement Services](#) with guidance from [School Age Services](#), Orange County Public Schools

Process for Before and After School Childcare Selection: schools have an option to run their own program with the support of School Age Services or choose to “outsource” a program, selecting from a pool of approved providers. The advantage for a school-run program is that they manage their own budget, with potential savings to use on other needed school resources. Their staff are school employees who communicate with the teachers and guidance counselors regularly. Whether in-house or outsourced, the program also covers the summer.

Bid Requirements: a proposal including compliance requirements, qualification and experience, understanding the scope of services, the cost of services provided (registration and fee structure) and any additional information deemed essential to the proposal.

Cycle for New Bids: the RFP for the pool of providers occurs every three years, with the option of extending the contract two more years. School administrators have the option of changing providers after each school year.

Responsible for Selecting Providers: a selection committee consisting of school principals, program coordinators, and school district staff chooses the group of approved providers (currently have five providers). A small group consisting of the principal and school staff is responsible for selecting the provider for a given school; they can ask parents to participate, but it is not required. If the school decides to do interviews, staff from School Age Services sit in on the interviews to make sure the providers are not overpromising services.

Bid evaluation: proposals are rated by qualifications and experience, the ability to meet the scope of services, if they are a Minority and Women Business Enterprise, Local Developing Business, or Veteran Business Enterprise (receive additional rating points), and cost of services. Other factors include licensing and insurance, legal issues and financials, value added services, and references. The evaluation committee will determine if presentations/interviews are necessary.

Number of Providers: there are currently five for 85 schools (outsourced programs). The school-run programs are at an additional 37 schools

Types of Providers: non-profits or for-profits.

Provider Costs: the provider shall send OCPS 13% of gross revenues generated from these services by the 15th of each month for services provided the previous month. Breakdown of 13% is as follows: 8.5% to school where program is housed, 1.5% to Administrative Operations, and 3% to School Age Services Department (see Appendix D)

Student Fees: Uniform range of fees for program services—not to exceed 20% of district-run fee schedule.

Other: the childcare providers are audited each year, ensuring proper billing, cash receipts, and attendance records.

Prince George's County, Maryland

Administering Department or Program: [Purchasing and Supply Services](#) with guidance from [Vendor Managed Child Care Programs](#), Prince George's County Public Schools

Process for Before and After School Childcare Selection: there is a Request for Proposals for a pool of providers to be chosen for each school by the Vendor Managed Child Care Programs (VMCCP).

Bid Requirements: a technical proposal including experience and capabilities, fiscal integrity/financial statements, response to the scope of work, certification, financial proposal, and minority business enterprise requirements.

Cycle for New Bids: two years, with the option of being renewed for two additional two-year periods

Responsible for Selecting Providers: a selection committee including the VMCCP director along with Prince George's County Public Schools central staff. At this time, principals and parents are not involved.

Bid evaluation: proposals are rated by the understanding of the scope of services, quality of the technical approach to satisfying requirements, quality of experience and capabilities, capacity, fiscal integrity/stability, past performance and references, and subcontracting plan.

Number of Providers: there are currently four providers for 73 schools.

Types of Providers: non-profits and for-profits.

Provider Costs: the provider must pay 6% of their revenues to PGCPs to cover basic supplies and minor maintenance.

Student Fees: the rates for students should not exceed \$100/week for the first two years for before and after school care. After the initial two-year period, an increase of 5% per two-year period may be requested (see Appendix E).

Other: selected providers are required to provide PGCPs with monthly program reports showing enrollment, medical incidents/injuries, staffing changes, revenue reports, and state inspection reports (if applicable).

Chapter 7. Stakeholder Comments

OLO interviewed staff from Community Use of Public Facilities, Department of Recreation, Parks Department (Maryland-National Park and Planning Commission), Montgomery County Public Schools, childcare providers, and facility users (with a focus on those who used a CUPF facility fee subsidy program). This chapter is organized around the following common themes that OLO heard during the course of its stakeholder interviews:

- A. Community Use of Public Facilities Overall
 - a. Complex Fee Structure; Need for a Fee Study
 - b. Communication Has Room for Improvement
 - c. The Subsidy Programs are Effective, but Need Some Adjustments
- B. Before and After School Childcare
 - a. Flawed Before and After School Childcare Selection Process
 - b. More Standards Needed for Childcare Programs
 - c. Before and After School Childcare Needs to Be Viewed as Part of a School and Out-of-School Time Activities
 - d. State Voucher System for Low-Income Students' Families is Cumbersome

A. Community Use of Public Facilities Overall

a. Complex Fee Structure; Need for a Fee Study

Facility users and County department staff found the fee structure confusing to follow, since users can fall into multiple categories and facility fees are not consistent – especially for facilities of the same type operated by different departments or agencies (e.g., turf fields). Stakeholders also noted that the fees themselves need to be reviewed more often (probably through a study), especially when there is a significant fund balance. Finally, interviewees stated the current reliance on enterprise funds is not sustainable, especially when attempting to offer free or reduced fees; they mentioned that a General Fund-based department should be explored.

b. Communication Has Room for Improvement

Childcare providers reported being highly satisfied with the childcare program's correspondence with them and the Department of Recreation also praised Core Services' communication with them. However, the most common theme highlighted by multiple interviewees is that CUPF's overall external and internal communications were less than satisfactory. Some common complaints included the following:

- Lack of responsiveness
- Follow through or following up does not always happen
- Unclear information provided by staff
- The website has inconsistent, outdated information
- Silos within the department
- Lack of guidance

c. The Subsidy Programs are Effective, but Need Some Adjustments

As noted in Chapter 4, the Community Access Program (CAP) subsidizes rental costs in the Silver Spring Civic Center and the Facility Fee Assistance Program (FFAP) provides subsidies to users that provide programming to the vulnerable, disadvantaged, and low income (mainly youth through sports programs). Recipients of the subsidy programs were extremely grateful for these programs and were complimentary of the CUPF staff they worked with. However, they recommended some adjustments:

- Making the FFAP application easier to find on the CUPF website.
- More clearly publicizing the CAP for FFAP awardees; groups were not aware the CAP increased with additional funding CUPF received during the COVID-19 pandemic.
- Faster processing of FFAP application – users sometimes learn about a subsidy award after facilities have been reserved.
- Streamlining the process to pay fees when receiving a FFAP award.

B. Before and After School Childcare

a. Flawed Before and After School Childcare Selection Process

Some providers interviewed said that although the before and after school childcare selection process is flawed, it does allow for a diversity of providers through the competitive bid process. It also provides an incentive for providers to improve their services. However, most comments were negative, with providers offering the following suggested changes:

- Reassign responsibility for the before and after school childcare bid process to the Office of Procurement to formalize the process.
- Cancel the bid process if a school community is satisfied with their childcare provider. In these situations, the bid process is not a productive use of time. Schools could conduct a survey at the end of the year and cancel the bid process if the survey reveals high levels of satisfaction. On the other hand, if the survey reveals concerns about the provider's performance, the provider should be given the opportunity for improvement before a re-bid is needed.
- Efforts should be made to ensure total scores by the selection committee accurately reflect community satisfaction about providers, as in the current process one unhappy parent can change an outcome, even if most parents are satisfied with the program.
- Ensure childcare programs are provided at schools where a need exists and this decision does not rest solely on the discretion of the school's principal.
- Restart efforts, which are currently on hold, to implement a combined bidding process with the Department of Health and Human Services' all day childcare program and CUPF's process for before and after school childcare program.
- Combining bids for a FARMS/Title I school with a school where a provider is making revenues; then the provider can cover the costs for a FARMS/Title I school, if needed.
- Resolve the issue stemming from the court cases in 2018 about giving sufficient priority to non-profit providers.

b. More Standards Needed for Childcare Programs

Providers lack clarity on what is expected or desired when applying to a bid or when performing before and after school childcare at school. Some providers claimed that other providers offer free services to schools, such as helping direct traffic, or providing large discounts to MCPS employees to make their bid more attractive. Other stakeholders stated that if MCPS does want providers to offer additional services or discounts (such as a discount for its teachers), it should be standard in the request for proposals at a certain rate or dollar amount.

c. Before and After School Childcare Needs to Be Viewed as Part of a School and Out-of-School Time Activities

A common observation among providers is that many schools do not see before and after school childcare programs as partners. Schools do not consider the totality of a day, with both the school and the provider providing supervision and guidance. They stated they see a need for MCPS to collaborate more with childcare providers, for example by informing providers about school curriculum and other matters directly so they can better help the students. One provider suggested that schools can hire provider staff for recess assistance, to provide more of a connection to the school and give the staff more regular work hours (rather than just working during the hours before and after the school day).

Providers also felt that although by definition they are considered part of out-of-school time (OST), County government leaders do view them as such. Some stated that programs like Excel Beyond the Bell offer valuable OST opportunities, but the staff are not licensed and do not go through the same training as childcare staff.

d. State and County Voucher Systems for Low-Income Students' Families are Cumbersome

The providers noted that while childcare vouchers available through the State of Maryland ([Child Care Scholarship](#)) or the Department of Health and Human Services ([Working Parents Assistance Program](#)) assist low-income families, the entire process needs to be streamlined. It is a burden for families to apply and it is a burden for childcare providers to process. One of the larger childcare providers said that one staff person's sole job is to process the vouchers and assist families applying.

Note: HHS is fully aware that the administrative and accounting tasks have been a challenge for most providers. As part of Montgomery County's Early Care and Education Initiative¹, the Access and Affordability subcommittee recommended a shared services hub with shared administrative services, addressing provider's concerns.

¹ [Montgomery County Early Care and Education Initiative, Action Plan 2020](#)

Chapter 8. Findings, Recommendations, and Discussion Items

This chapter summarizes the major findings of this report and presents recommendations and discussion items developed by the Office of Legislative Oversight (OLO) based on the findings. This chapter includes two sections:

- Section A, Major Report Findings; and
- Section B, OLO Recommendations and Discussion Items for Council Consideration.

A. Major Report Findings

Chapter 1: History and Structure

Finding #1. Created in 1978, the Interagency Coordinating Board (ICB) sets and approves policy for the Community Use of Public Facilities (CUPF). CUPF is the Executive Branch office that administers the programs and activities necessary for the public use of facilities.

The ICB provides periodic evaluations, advice, recommendations an annual report. It also reviews budget requests, recommends fee schedules, reviews/proposes modifications in major contracts and grants, adopts regulations, and recommends how to resolve interagency issues when dealing with the community use of facilities.

CUPF's main duties are:

- provide information and guidance to stakeholders;
- employ and train school/government facility coordinators and other necessary personnel;
- maintain effective liaison and consultation with stakeholders;
- influence cooperation among CUPF activities, community programs, and government programs; and
- along with support of the Department of Health and Human Service's Child Care and Early Education Officer, administer the selection of childcare providers in public space, including in MCPS facilities according to state law.

Finding #2. CUPF has 30 budgeted full-time positions, one part-time position, one seasonal position, and two positions from MCPS over six sections: the Director's Office, Core Services, Finance, Silver Spring Civic Building, Information Technology, and Weekend/Evening Supervisors.

The staff is a mix of union and non-union workers, with program specialists primarily part of the Municipal and County Government Employees Organization (MCGEO) union. This includes staff detailed to CUPF from Montgomery County Public Schools (MCPS). The detailed MCPS staff includes two weekend and evening supervisors who coordinate with MCPS staff to ensure that all community users gain prompt access to facilities and are given immediate assistance with problems during weekend and evening hours.

Finding #3. For FY22, CUPF lapsed five vacant positions to account for the decrease in facility usage, related to the COVID-19 pandemic.

For FY22, CUPF lapsed five vacant positions to account for the decrease in facility usage, related to the COVID-19 pandemic. Those positions include four program specialists and one part-time principal administrative aide. One program specialist handled CUPF outreach and communications (Finance Team); one assisted with the childcare program (Finance Team); and two were on the Core Services Team. The part-time principal administrative aide was assigned to the Silver Spring Civic Building, staffing the reception desk.

Chapter 2: Facility Reservations

Finding #4. ActiveMONTGOMERY is the online facility reservation and recreation registration system used by CUPF, the Department of Recreation, and Montgomery Parks since 2015. These entities are in the process of converting ActiveMONTGOMERY to a new software system to address the limitations of the previous system.

When ActiveMONTGOMERY was created in 2015, it used a software system called ACTIVENet. Since its creation, several limitations of that system have been identified:

- **Lack of functionality.** Departments have been running 60-70% of their business manually due to missing, promised functionality. Active required plenty back-end work for reservations because users had a difficult time doing them online since creating reservations was not as intuitive as planned.
- **High costs.** Active charges a fee for each transaction, in addition to licensing, maintenance, and credit card fees. Therefore, when departments reimbursed users during the Covid-19 pandemic, they had to pay fees for each reimbursement.
- **No relational database structure.** With no relationships across the data from the three departments, the included reports were inadequate to conduct demographic or detailed financial reporting.
- **No flexibility.** Active is entirely in a cloud environment. As a result, it lacks the flexibility to make changes quickly.

The new software system for ActiveMONTGOMERY that is in the process of being implemented is called RecTrac. It will offer increased functionality and flexibility, lower costs and allow for better data reporting, along with payments going directly to departments. However, Montgomery Parks and the Department of Recreation will continue to use interactive PDF data forms and/or static (paper) forms for their permitting processes.

Finding #5. CUPF facilitates reservations for public school indoor facilities, the Silver Spring Civic Building, athletic fields, library meetings rooms, regional services centers, the Council Office Building, the Executive Office Building, and other County buildings.

- Public school indoor facilities – over 200 school sites that include classrooms, all-purpose rooms, cafeterias, gymnasiums, kitchens, auditoriums, and other rooms (e.g., media rooms, art rooms, etc.)
 - *Most used schools: Richard Montgomery HS, Gaithersburg HS, Northwest HS, Winston Churchill HS, and Walter Johnson HS*
- The Silver Spring Civic Building – the event facility in downtown Silver Spring has numerous rooms/areas to rent include the great hall, the atrium, conference rooms, activity rooms, a warming kitchen, and the plaza. Associated services can also be included for large events such as building service workers, security officers, event monitors, and sound/projection for the great hall.
 - *Top events: conferences, private celebrations, cultural activities, meetings, and banquets.*
- Athletic Fields – includes grass fields at elementary, middle, high schools (with school approval), local parks, and community recreation centers. Also includes turf fields at a group of high schools and recreational parks. Note: Montgomery Parks staff schedules Parks’ fields, coordinating with CUPF.
 - *Most used fields: Cabin John Regional Park, Montgomery Blair HS Field, Olney Manor Recreational Park, Laytonia Recreational Park, and James Blake HS Field*
- Library Meeting Rooms – includes small, medium, and large rooms at 20 County libraries.
 - *Most used libraries: Rockville Memorial, Gaithersburg Regional, White Oak Community, Silver Spring Community, and Davis Community*
- Regional Services Centers – includes small, medium, large, and multipurpose rooms from the Bethesda/Chevy Chase, Eastern Montgomery, Mid-County, and Upcounty Regional Services Centers.
 - *Most used RSCs: Bethesda-Chevy Chase and Upcounty.*
- Other County Buildings, Council & Executive Office Buildings – includes the Council and Executive Office Buildings, police stations, and the Clarksburg Cottage. Room types include conference rooms, hearing rooms, meeting rooms, cafeterias, auditoriums, and a lobby.
 - *Most used buildings: Clarksburg Cottage, Executive Office Building, Council Office Building, District 2 Police Station, and District 3 Police Station*

Finding #6. CUPF prioritizes the use of public facilities, with the primary tenant always having top priority.

1. Primary tenant (schools or County department)
2. Maryland State Department of Education licensed childcare selected by MCPS
3. Parent Teacher Association meetings and activities in schools
4. Government administrative bodies
5. Other publicly supported programs
6. High-volume use (sports leagues, weekly cultural/religious education and assembly, large events, and summer camps)
7. General public

Historical use, or the use of facilities/fields based on prior use, is limited to priority user groups listed above (1-6) and high volume use permits. The historical use groups must make their requests via a PDF form, and then CUPF

staff enters their reservations into the ActiveMONTGOMERY system. Once these user groups are booked, then the public has access to facilities based on a first come, first-serve basis.

Case Study Jurisdiction Comparisons

To offer context for CUPF’s facility reservation rules and processes, OLO compared these to six other jurisdictions. The findings below describe how CUPF compares to selected jurisdictions in how they prioritize users for use of public school facilities, as well as their organizational structure and security policies.

Finding #7. Similar to CUPF, other jurisdictions have a priority use list for schools.

For the priority use of public facilities, the counties studied consistently have a priority use list for school facilities, but it was less clear for government facilities. Like CUPF, school-related activities are the top priority user groups for other County school facilities. CUPF specifically gives licensed childcare providers the second-priority ranking, while other jurisdictions are vaguer, giving first or second priority to “school partnerships, organizations with formal partnerships, and school-related groups.”

Jurisdictions’ School Priority Use

County, State	Priority List
Fairfax County, VA	<ol style="list-style-type: none"> 1. School instructional and extracurricular programs 2. School-related groups such as PTAs, private tutoring, school partners, etc. 3. Fairfax County Department of Neighborhood and Community Services and the Fairfax County Park Authority 4. Others, when space is available
Fulton County, GA	<ol style="list-style-type: none"> 1. Organizations with formal school partnerships 2. Non-profit organizations 3. Public government 4. For-profits when it benefits the district; done on a case-by-case basis
Orange County, FL	<ol style="list-style-type: none"> 1. School-based activities and youth organizations 2. School partnerships 3. Government and Community agencies 4. Private interest or non-government

Finding #8. CUPF is Montgomery County’s primary department for overseeing use of public government facilities *and* school facilities. Within the jurisdictions studied, they either have a department (within an agency) managing the use of government facilities or school facilities - but not both.

Among other jurisdictions studied, there are some exceptions for a certain type of use. For example, the Fairfax County Public Schools Community Use of School Facilities rents out all school facilities, except when school fields, gymnasiums, and tracks are used for practice and league play – they are then rented out by Fairfax County’s Department of Neighborhood and Community Services Division.

Jurisdictions' Overseeing Department for Public Use

County, State	Overseeing Agency	Facilities Managed
Fairfax County, VA	Fairfax County Public Schools	School Facilities*
	Fairfax County Government	Government Facilities
Fulton County, GA	Fulton County Public Schools	School Facilities
	Fulton County Government	Government Facilities
Orange County, FL	Orange County Public Schools	School Facilities
	Orange County Government	Government Facilities
Pima County, AZ	Multiple - District Schools	School Facilities
	Pima County Government	Government Facilities

NOTE: "Government Facilities" include parks.

*Fairfax County's Neighborhood and Community Services (NCS) Division schedule FCPS fields, gymnasiums, and tracks for citizen athletic use (groups over 20 people); citizens must file an application for use through NCS. For organizations using the same facilities, the FCPS Community Use Section administers the use.

Finding #9. Security for use of public facilities varies across the jurisdictions studied, as shown in the table below. Like CUPF, they do not provide security staff for standard public use – but they can be added for an additional fee or required for larger events.

Jurisdictions' Security Policies for Public Use

School System, State	Security Policies
Anne Arundel County Public Schools, MD	<ul style="list-style-type: none"> • All school-sponsored groups with unsupervised or unrestricted access to children must have at least one employee or volunteer complete a fingerprint-supported background check. • All school-sponsored groups that will have supervised contact with students must complete a commercial background check for each employee. • Establish on-site contact person to monitor arrival & departure of participants, ensure only designated entrances are used, and only participants enter. • Wear ID badges or labels with the name of person and group/activity. • Each user group shall inform participants to arrive no earlier than fifteen minutes prior to the scheduled start times of the activity and to leave the facility within fifteen minutes after the scheduled ending time of the activity. • The designee shall inform the staff member on duty that the activity is concluded and the building/room may be secured. • The designee shall ensure they have access to a cell phone to reach law enforcement or emergency personnel should the need arise. • Approval for the use of school facilities may not be transferred from one organization, group, or individual to another.
Fairfax County Public Schools, VA	<ul style="list-style-type: none"> • Exterior doors of school facilities will remain locked and shut at all times. • Childcare providers after hours have access to camera and intercom system, to buzz people in. • Users are required to follow all general security and safety procedures outlined in school regulations including those on security and school safety.

Frederick County Public Schools, MD

- The user group contact will be required to sign-in on a log provided by a custodian.
- An adult representative for a user group must stay to open the door and allow entry only for participants of the group.
- Exterior doors of school facilities will remain locked and shut at all times. Under no circumstances is it allowable to prop an exterior door or alter an exterior door lock to the building without permission of school administration.

Chapter 3: Financial Management

Finding #10. CUPF is an enterprise fund that has been fully self-funded since 1985 through user fees, with an annual operating budget of \$8,502,633 in FY22.

The budget reflects a decrease of \$3,417,266 or 29% from its pre-COVID-19 pandemic budget of \$11,919,899 in FY19. This decrease accounts for the significant drop in facility rentals CUPF has experienced since the start of the pandemic in March 2020. During the pandemic, schools were not available for public use until the start of the 2021-22 school year, except for childcare (that too was on pause from March 2020 through September 2020) and field use (on pause from March 2020 to May 2020).

CUPF receives between \$25,000 and \$135,000 annually from the tax-supported General Fund to provide funding for the Facility Fee Assistance Program and election costs, respectively. However, these funds are not used for CUPF operations.

Before the COVID-19 pandemic, CUPF spent \$11,127,765 in FY19, with approximately 65% (\$7,233,047) spent on reimbursements to MCPS for utilities, custodial supplies, equipment, maintenance, and staff services. It spent the remaining amounts on CUPF staff (28%; \$3,110,817) and other operating costs (7%; 783,901).

Finding #11. CUPF's user fees cover the costs associated with community use of public facilities, including the staff required (both from CUPF and MCPS), utilities, cleaning services, equipment, and maintenance. However, user groups – the categories of users on which a fee is based – are not consistent across the seven facility types that are permitted.

Once a user determines the facility, the room or field type they want, and when they want to use it (weekdays or evenings/weekends), the fees themselves are tiered based on the type of user group. Across all facilities and room/field types, a user can fall into an array of groups depending on the type of facility and room/field rented.

As apparent in the following table, user groups are not consistent across the seven facility types. Additionally, it is not always clear where a general County resident falls in the user groups across all the facilities; they are distinguished in athletic fields and for the Silver Spring Civic Building, but not for others. As a result, the fee structure can be complicated for users to understand.

Facilities and Associated User Groups

Facility, Rooms/Fields & Activity Type	User Groups
Athletic Fields	
M-NCPPC Local/Neighborhood Park Fields & MCRD Fields (Practice and Game Use)	General User
MCPS Fields (Practice Use)	General User Commercial/Non-Profit
M-NCPPC Regional/Recreational Park Fields (Game Use)	Youth With or Without Lights Adults With or Without Lights
MCPS Turf Fields	Non-Profit/County Resident With or Without Lights Commercial/Non-County Resident With or Without Lights
M-NCPPC Turf Fields	Non-Profit/County Resident With or Without Lights Commercial/Non-County Resident With or Without Lights
MCPS Non-Turf High School Stadium Fields	Youth County Resident/Non-Profit With or Without Lights Adult County Resident/Non-Profit With or Without Lights Commercial/Non-County Resident With or Without Lights
Schools	
All Purpose Room, Cafeteria, Kitchen, Gym, Classroom, Auditorium, and Other	PTA, MCPS Partnerships, and Government Entities Non-Profit Organizations and Community Groups For-Profit Organizations Summer Camps School-Selected Before and After School Childcare Providers
Public Libraries	
Small, Medium, and Large Rooms	Local Government Agencies Local Non-Profit Groups Out-of-County/For-Profit Groups
Regional Services Centers	
Small, Medium, and Large Conference Rooms; Multipurpose Room	Local Government Agencies Local Non-Profit Groups Out-of-County/For-Profit Groups
Silver Spring Civic Building	
Great Hall, Atrium, Warming Kitchen, Courtyard, Large Activity Room, Small Conference Room, Veterans Plaza	Local Non-Profit Groups County Resident/Small Business Rate Out-of-County/For-Profit Groups
Council Office and Executive Office Buildings	
Auditorium, Hearing Room, Lobby, Cafeteria, Circuit Court Plaza, Conference Room, Jury Parking Lot	Local Government Agencies Local Non-Profit Groups Out-of-County/For-Profit Groups
Clarksburg Cottage	
Large Meeting Room	Local Government Agencies Local Non-Profit Groups Out-of-County/For-Profit Groups

Finding #12. The last comprehensive fee study for Community Use of Public Facilities occurred in 2002. A 2019 RFP did not yield qualified applicants, and the RFP is now on hold, pending revisions. Additionally, interest from the County Council in prioritizing disadvantaged and vulnerable constituents may require additional changes to the RFP.

In late 2019, CUPF prepared a Request for Proposal (RFP) for a comprehensive fee study. The Department of Procurement reached out to vendors to gauge interest; of the two that responded, one was not qualified and the other did not respond to Procurement. It was decided to put the RFP on hold and revise it; the RFP is still on hold.

CUPF recently asked Procurement to re-start the RFP process for the fee study. At the same time, CUPF submitted a job description to the County Council's Summer Fellows Program requesting that two summer fellows conduct a fee study this year. If the project is selected, the RFP process could be paused again until the summer fellows present their findings. If additional research is needed, an RFP could be issued for additional/follow-up research.

There has also been interest from the Council and stakeholders to include in the fee study whether CUPF should be a mix of enterprise funds (fee-supported) and general funds (tax-supported). The County Council has indicated they want CUPF to prioritize disadvantaged and vulnerable constituents for use of space, along with providing reasonable and equitable fees. However, providing free use or reduced fees has been at odds with balancing the budget solely using enterprise funds. Similar jurisdictions such as Fairfax County Public Schools, Orange County Public Schools, or Loudoun County Public Schools are general fund-based; they do charge fees, but the fees are not intended to completely cover all their expenses.

Finding #13. The Memorandum of Understanding (MOU) between CUPF and Montgomery County Public Schools (MCPS) expired in 2018, and as a result CUPF is not currently making reimbursement payments to MCPS for the utility, custodial supplies, equipment/maintenance, and staff services for costs incurred for community use of the school facilities.

Without an MOU in place, the Department of Finance informed CUPF they should not make reimbursement payments. CUPF last made reimbursement payments to MCPS in August 2020.

MCPS is currently working on drafting a new MOU, with input from CUPF. It is not expected there will be dramatic changes, but according to MCPS and CUPF, it will address reimbursement obligations and operational issues (e.g., security, permit enforcement, principal involvement, etc.), that were not addressed in the former MOU.

In the meantime, CUPF has been accruing costs related to community use at schools that they will owe to MCPS when a MOU is in place.

Finding #14. Due to a dramatic decline in revenues, CUPF was unable to make MCPS reimbursement payments during FY21. MCPS agreed to waive the payments for FY21, but it has not yet decided on waiving the payments for FY22.

The COVID-19 pandemic paused most public use in CUPF-permitted facilities from March 2020 until September 2021. This caused a severe dip in CUPF revenue for the second half of FY20 and all FY21 (revenue fell from \$12.1 million in FY19 to \$8.5 million in FY20; then to \$1.6 million in FY21); from FY19 to FY21, the revenues dropped by 87%. The revenues began to slowly rebound in FY22, with revenues finally covering expenses.

In March 2021, the Chief Administrative Officer asked MCPS that the projected reimbursement payments be forgiven in the amounts of \$2,587,415 for FY21 (accepted) and \$2,203,634 for FY22 (to-be-determined).

Finding #15. Although MCPS receives reimbursement payments based on public use, Montgomery Parks does not receive payments based on public use. Instead, it receives funding allotments through the Capital Improvements Program.

Parks receives funding through the Ballfield Initiatives Capital Improvements Program project, in which the department is annually funded \$2.3 million (\$2.0 million from County Government Obligation Bonds and \$0.3 million through CUPF's Enterprise Fund). While this funding does address funding needs for the maintenance and renovation of parks, the funding is not directly correlated with public use like the MCPS reimbursement payments.

Finding #16. Starting in FY17, the ICB was able to use its significant fund balance to make a variety of investments to benefit the community at large. However, these investments ceased when the COVID-19 pandemic led to a sharp drop in revenues. In addition, CUPF made budgetary adjustments in response to the revenue decrease.

An internal study from 1999 recommended that CUPF needs to maintain a 10% fund balance in resources to maintain adequate levels to mitigate current and future risks such as revenue shortfalls or unanticipated expenditures. When CUPF had a significant fund balance starting in FY14, the ICB planned to spend the additional funds from FY17-22 to support government departments or agencies to positively impact community use. CUPF successfully distributed funds until revenues dropped significantly starting in FY20.

The significant investments the ICB made starting in FY17 include:

- Transfer of funds to the Montgomery Parks for field maintenance and renovations from FY17 through FY22 (\$1,250,000)
- Audio-visual equipment at the Silver Spring Civic Building in FY20 (\$130,000)
- Great Hall and Ellsworth Room floor replacement in FY19 (\$118,000)
- Installation of security cameras, furniture, equipment, and flooring replacements at 32 County locations from FY17 through FY19 (\$1,340,000)
- Facility Fee Assistance Program (\$50,000 annually)
- Community Access Program (\$150,000 annually)

The spenddown was frozen when revenues dropped, outside of funding allotments to Montgomery Parks. The fund balance dropped to \$3,263,259 in FY21 – a decrease of \$3,656,061 or 53% from the fund balance’s peak amount in FY19 of \$6,508,019. CUPF adjusted to its decrease in revenues (starting in FY20), modifying its FY22 approved operating budget as shown in the table below.

CUPF Adjustments to Revenue Decreases in FY22 Operating Budget

Amount	Action
(\$455,683)	Lapsed five program specialists, who performed scheduling, among other duties
(\$342,690)	Eliminated rent payment associated with the 255 Rockville Pike lease space; moved to a County-owned office in Wheaton
(\$301,250)	Reduction in software transaction fees, moving from ACTIVENet to VSI
(\$61,786)	Reduction in operating expenses associated with facility bookings
(\$35,832)	Reduction in security at the Silver Spring Civic Building
(\$32,259)	Reduction in maintenance at the Silver Spring Civic Building

Chapter 4: Addressing Low-Income, Disadvantaged, and Vulnerable Constituents

Finding #17. CUPF operates two subsidy programs that address low-income, disadvantaged constituents – the Facility Fee Assistance Program (FFAP) and the Community Access Program (CAP) for the Silver Spring Civic Building.

Facility Fee Assistance Program Total Awarded Amounts FY17-FY22

	FY17	FY18	FY19	FY20	FY21	FY22
Budget	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$37,500
Awarded	\$33,314	\$44,754	\$75,000	\$52,506	\$0*	\$5,876**
Surplus	\$41,686	\$30,246	\$0	\$22,494	\$75,000	\$31,624
Groups Awarded	13	24	27	26	0	3

*No funds awarded in FY21 since MCPS requested limited use of public schools. **As of January 2022

The types of programs covered through the Facilities Fee Assistance Program include:

- After school programs
- Job workshops
- Youth mentoring/leadership development
- Holiday gift wrap and distribution
- Language classes/ESOL
- Health fairs
- Summer camps
- Advocacy for individuals with disabilities
- Financial literacy for women
- Food and clothing distribution
- Life skills program
- Mentoring through sports
- Enrichment tutoring

In September 2020, FFAP expanded as CUPF received \$500,000 in federal grant funds (part of the County's "Youth Sports Initiative") from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. CUPF successfully awarded the entire \$500,000 to 91 organizations.

Community Access Program Total Awarded Amounts FY17-FY22

	FY17	FY18	FY19	FY20	FY21	FY22
Budget	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$112,500
Awarded	\$119,315	\$115,884	\$146,861	\$57,914	\$25,000	\$74,000*
Surplus	\$30,685	\$34,116	\$3,139	\$92,086	\$125,000	\$38,500
Groups Awarded	99	78	86	49	3	17

*As of January 2022

Note: the program is only for use at the Silver Spring Civic Building

Examples of groups who have received more than \$5,000 each individual year from FY17 through FY22 include KID Museum, FreshFarm Farmers Market, and the After School Dance Fund.

Finding #18. Besides the State of Maryland's Child Care Scholarship program or the Working Parents Assistance Program for low-income families, there are no County-run or MCPS-run assistance programs directly from the administrator of before and after school childcare. Other school systems studied have county or school-run discounts or aid built directly into their before and after school care programs.

Below are some examples how larger, county public school systems and one county government have taken different approaches to address low-income and disadvantaged students for before and after school childcare – directly through their before and after school childcare programs.

Fairfax County Government	Use a sliding scale for fees, with lower income families paying less.
Fresno County Public Schools	Free for all students attending before and after school care.
Orange County Public Schools	A scholarship program is available to low-income students.

Finding #19. 21st Century Grants are commonly used in other jurisdictions to provide funding for before and after school programs at eligible Title I schools. Recent grant awards for County-run or MCPS-run programs have been limited.

Maryland's 21st Century Grants range from \$50,000 to \$400,000 per year, depending on the federal allocation to the state; a funding match is not required. Organizations from Montgomery County that have recently received

the funds include: the Boys and Girls Club of Greater Washington, the Community Services Foundation, GapBusters, Inc., Identity, Inc., the Latin American Youth Center, the Mid-Atlantic Equity Consortium, and the Montgomery Housing Partnership. Montgomery County Public Schools is a recent grant recipient for the “Knight Time & Wolverines Time” program. This grant provided \$1,183,284 over three years to provide programming addressing the social-emotional, and academic issues that affect students who are in English for Speakers of Other Languages programs at Watkins Mill and Wheaton High Schools (grades 9-12).

Finding #20. The County amplified its OST efforts during the COVID-19 pandemic, especially when students were required to attend school virtually and did not have as many opportunities to socialize with other students, be involved in group sports, and receive academic enrichment.

Over the past several years, Montgomery County Government, Montgomery County Public Schools, and County partner organizations have strived to expand out-of-school time across the County, especially in Title I or high poverty schools. More recently and in response to the urgent needs of students and families during the COVID-19 pandemic, the County Council and County Executive also made funding for childcare and OST overall a pandemic priority, helping address the critical needs of students and families. Besides the \$500,000 CUPF received to help with youth sports, the chart below shows the expanded/enhanced funding dedicated to OST during FY21 and FY22.

	Amount	Department/Organization	Purpose
FY21	\$550,000	Collaboration Council	Youth Sports Initiative
	\$500,000	Department of Recreation	Youth Sports Initiative
	\$7,687,000	Early Care and Education Non-Departmental Account	School-age childcare during distance learning
	\$200,000	Collaboration Council	After School Youth Support and Engagement Hubs
	\$3,600,000	Greater Washington Community Foundation/Children's Opportunity Hub	Educational Enrichment and Equity Hubs
	\$312,455	Department of Health and Human Services	Therapeutic recreation services for school-aged youth
FY22	\$112,500	Department of Recreation	Summer camps
	\$520,000	Department of Recreation	Summer Fun Centers & enhanced programming at summer camps
	\$99,685	Department of Recreation	Food, Fun, Fitness program to wrap-around MCPS summer school
	\$330,000	Department of Recreation	Expedite reopening of Excel Beyond the Bell & RecXtra sites
	\$384,891	Department of Recreation	Expand Excel Beyond the Bell
	\$530,000	Department of Recreation/Collaboration Council	Community-based summer programming for low-income children or Title I communities

Finding #21. The Equity Hubs assisted and provided childcare support due to virtual learning for MCPS students, providing funding and resources for low-income students and families.

CUPF collaborated with MCPS in the spring and summer of 2020 to help get before and after school childcare programs back in schools for the start of the 2020-21 school year, along with the additional requirement that providers would be assisting students during the school day.

Once MCPS gave approval to move childcare back into the schools, CUPF and MCPS opened 56 “Learning Hubs” (later evolved to be called “Equity Hubs”) at schools, with CUPF providing a 50% discount on the facility fees for the providers. CUPF provided this discount for the entire school year to help childcare providers with costs, using its fund balance; CUPF estimated the savings for providers at \$680,000. In addition, CUPF worked with the Department of General Services (DGS) on finding other, non-school sites to assist with childcare needs during the virtual school year. They successfully opened two more sites at the BlackRock Center for the Arts and the White Oak Library.

The Equity Hubs’ assistance was made possible by the Children’s Opportunity Fund (COF), partnering with Black and Brown Coalition for Education and Excellence, raising \$4.6 million, MCPS contributing \$3.6 million, and the funding provided by the County Council above for the 2020-21 school year. During the school year, the program expanded to 70 sites.

The COF worked with 12 childcare providers to provide services for over 1,500 kindergarten through eighth grade students at schools (including many Title I schools), Monday through Friday from 8:00AM to 5:00PM. The 12 providers all operated before and after school childcare at elementary and middle schools through CUPF’s before and after school childcare program.

Finding #22. The Equity Hubs had program takeaways that can be applied to before and after school childcare in the future.

- **Reduced Fees** – provided assistance beyond the Child Care Subsidy program, with needy families paying up to \$50 a month and the average family income was less than \$30,000 a year. Furthermore, the application form for fee assistance was simplified, only asking 10 questions – unlike other complicated fee assistance forms.
- **Transportation** – MCPS and childcare providers provided transportation for students from their homes to school and back to their homes.
- **Mixed Need for Childcare in Title I Schools** – with reduced fees and transportation, participation was high at some Title I schools, but still lagged at others.
- **Childcare Provider Partnership** – the childcare providers were flexible and amenable to providing assistance to low-income families.

Chapter 5: Before and After School Childcare Selection Process

Finding #23. CUPF’s administration of the before and after school childcare selection process started in 1986. It is currently on hold due to litigation that challenged Executive Regulation 6-17 AM (governs the process), along with the sunset of the regulation in 2019.

In 1986, CUPF began administering the before and after school childcare selection process. Bids for providers were at the request of the principal, typically for a new school opening, a school without before and after school care, or if a provider left. In 2014, the County created an Executive Regulation (which was later updated in 2017) to govern the selection process, in a response to a provider lawsuit contesting the validity of the process. For any given school, the before and after school selection process under this regulation took approximately seven months. However, the before and after school childcare selection process was suspended indefinitely in the fall of 2018 due to litigation that challenged the application of the executive regulation.

The litigation relates to a key component in the application review process that gives priority to non-profit childcare providers, as required by the State of Maryland Education Code § 7-109. CUPF accounted for this priority by awarding non-profit organizations five additional points when rating applications. Therefore, for-profit providers could score as high as 100 on their application. Non-profit providers could score as high as 105 on their application, receiving the five additional points. In 2018, two non-profit providers filed separate Circuit Court complaints alleging that CUPF did not give them sufficient priority in the selection processes. In one case the judge ruled in favor of the non-profit provider, and in the other case the judge ruled in favor of CUPF. In addition, the executive regulation governing the process was due to expire in 2019. As a result, the County and MCPS jointly decided to suspend the before and after school childcare selection process in December 2018.

Finding #24. Besides’ the CUPF before and after school childcare program, the Department of Health and Human Services (HHS) and Montgomery County Public Schools (MCPS) administer all-day childcare at schools.

In addition to participating in CUPF’s before and after school childcare selection process, childcare providers can also apply to operate all-day childcare programs in schools through two additional programs run by HHS and MCPS, as summarized in the table below.

Landscape of Childcare Providers at County Schools				
Entity	Age Group	Time Period	School Space	Enrollment Eligibility
CUPF	School age	Before and after school	Shared	Students at the school
HHS	Infants through age five	All-day	Dedicated space in the school or modular unit	Open to the public
MCPS	Infants through age five	All-day	Unused school areas or a modular unit	Open to the public

NOTE: Executive Regulation 6-17AM governing the before and after school childcare selection process expired in 2019. There have not been changes in providers since the regulation expired. Without an Executive Regulation in place, CUPF stated that the bid process for before and after school childcare is “completely under the ownership of MCPS.”

Some schools can have multiple-government-run programs operating at the same time. In addition, the programs through CUPF, HHS, and MCPS all have their own, separate application, bid process, and bid process cycle (as part of Executive Regulation 6-17 AM, CUPF and HHS were working on syncing bid cycles until the CUPF selection process was put on hold in 2018). If one provider is capable and interested in all three types, they will have to submit separate applications.

Schools may also have County-run programs in addition to childcare programs, such as Excel Beyond the Bell and Linkages to Learning. These programs draw from the same school-age children who may participate in the before and after school childcare at a particular school.

Chapter 6: Before and After School Childcare Selection Case Studies

Finding #25. OLO reviewed five counties that have a before and after care selection process (Baltimore County, MD; Charles County, MD; Frederick County, MD; Orange County, FL; and Prince George’s County, MD) and for comparison purposes, one county that runs its own before and after school childcare program (Fairfax County, VA). The six total counties revealed approaches Montgomery County may use in the future.

Key discoveries from the case studies include:

- A procurement or purchasing department conducted the bid for all counties, with assistance from afterschool program administrators as needed.
- All used a formal Request for Proposals (RFP) process for selecting childcare providers either for an individual school or for collecting a pool of providers for schools to choose from.
- Three counties (Baltimore County, Orange County, and Prince George’s County) use a two-step process in which a pool of providers first applies through an RFP to be qualified or used for a school system. Then a school chooses a provider (through another, shorter RFP or an informal selection) or a school is assigned a provider.
- Cycles for bids vary, with only Frederick County having a longer cycle than Montgomery County (seven years for Montgomery County).

Five Years	Baltimore and Charles Counties
Five Years, Including Contract Renewals (three-year contract with two one-year renewals)	Orange County
Six Years, Including Contract Renewals (two-year contract with two two-year renewals)	Prince George's County
As Needed	Frederick County

- The RFPs stipulate specific details regarding provider expectations and costs, along with fees charged to student’s families. For example, in Orange County, the provider must pay 13% of its

gross revenues to the school system. In Prince George's County, the student rates should not exceed \$100/week for before and after school care for the first two years.

- Parents are not required to be on selection committees for RFPs. However, when schools pick from a pool of providers (after they have gone through an RFP process), parents are included in the processes in Baltimore and Orange Counties. They are not included for that second step at Prince George's County.
- Principals are not required to be on selection committees for RFPs – except for Orange County. However, school staff are typically involved in lieu of the principals' participation.
- The total number of providers serving counties varies: Baltimore County, MD (7 providers for 115 schools); Charles County, MD (1 provider for 22 schools); Frederick County, MD (3 providers for 31 schools); Orange County, FL (5 providers for 85 schools); and Prince George's County (4 providers for 73 schools). As a comparison, Montgomery County has 15 providers for 115 schools.
- Two counties in Maryland exclusively selected non-profit childcare providers (Baltimore County, and Frederick County). The other three counties studied could select non-profit and for-profit providers.

Key discoveries from Fairfax County, which uses their own county-run before and after school childcare program:

- The county-run program does not pay any facility fees to Fairfax County Public Schools, but it does pay \$1 million annually to offset supplies and operating expenses.
- The before and after school childcare program uses dedicated space, which includes a bathroom. It also uses shared space such as the gymnasium and the playgrounds.
- The principal is not involved with before and after school childcare operations, but school staff do coordinate with the county childcare staff.

Chapter 7: Stakeholder Comments

Finding #26. Stakeholders provided suggestions for improvement for the overall CUPF department.

- **Need for a Fee Study Based on the Complex Fee Structure** – comments included: the fee structure was confusing to follow, since users can fall into multiple categories with inconsistent facility fees; the fees need to be reviewed more regularly, probably through a study; and the current reliance on enterprise funds is not sustainable – especially when attempting to offer free or reduced fees.
- **Communication Has Room for Improvement** – the most common theme was that CUPF's overall external and internal communications were less than satisfactory. Complaint themes reported include:

lack of responsiveness; follow through or following up does not always happen; unclear information provided by staff; the website has inconsistent, outdated information; silos within the department; and lack of guidance.

- **Effective Subsidy Programs but Need Some Adjustments** – recipients of the Community Access Program (CAP) and the Facility Fee Assistance Program (FFAP) were grateful but recommended some adjustments: make the FFAP application easier to find on the CUPF website; clearly publicize the CAP for FFAP awardees when there are changes; process FFAP applications faster; and streamline the process to pay fees when receiving an FFAP award.

Finding #27. Stakeholders observed needed changes in the before and after school childcare program.

- **Change the Before and After School Childcare Selection Process** – some providers noted that the competitive bid process allowed for a diversity of providers, and it provides an incentive for providers to improve their services. However, most of the comments were aimed at changing the process:
 - Reassign responsibility for the before and after school childcare bid process to the Office of Procurement to formalize the process.
 - Cancel the bid process if a school community is satisfied with their childcare provider.
 - Ensure total scores by the selection committee accurately reflect community satisfaction about providers.
 - Ensure that childcare programs are provided at schools where a need exists and that this decision does not rest solely on the discretion of the school's principal.
 - Restart efforts to implement a combined bidding process with the Department of Health and Human Services' all day childcare program and CUPF's process for before and after school childcare program.
 - Combine bids for a low-income school with a school where a provider is making revenues; then the provider can cover the costs for a low-income school, if needed.
 - Resolve the issue stemming from the court cases in 2018 about giving sufficient priority to non-profit providers.
- **Create More Standards for the Childcare Programs** – providers lack clarity on what is expected or desired when applying to a bid or when performing before and after school childcare. Some providers claimed that other providers offer free services to schools, such as helping direct traffic, or providing large discounts to MCPS employees to make their bid more attractive. Other stakeholders stated that if MCPS does want providers to offer additional services or discounts, it should be standard in the request for proposals at a certain rate or dollar amount.
- **View Before and After School Childcare as Part of Out-of-School Time Activities** – a common observation among providers is that many schools do not see before and after school childcare programs as partners. Schools do not consider the totality of a day, with both the school and the provider providing supervision and guidance. They stated they see a need for MCPS to collaborate more with childcare providers, for example by informing providers about school curriculum and other matters directly so they can better help the students.

- **Streamline the State and County Voucher Systems for Low-Income Students' Families** - the providers noted that while childcare vouchers available through the State of Maryland (Child Care Scholarship) or the Department of Health and Human Services (Working Parents Assistance Program) assist low-income families, the entire process needs to be streamlined. It is a burden for families to apply and a burden for the childcare providers to process.

B. Recommendations and Discussion Items for Council Consideration

This chapter outlines the Office of Legislative Oversight's recommendations and discussion items. These recommendations and discussion items are aimed at improving the Community Use of Public Facilities communications, the before and after school childcare selection process, and the fee/funding structure.

Recommendation # 1. Reclassify the Program Specialist who handles CUPF outreach and communications to a Community Outreach Manager or a Communications Manager, to improve CUPF's internal and external communications.

As a result of the Office of Internal Audit's [reports](#) on CUPF in 2016, a program specialist (Grade 18) was dedicated to handle CUPF's outreach and communications. The position was filled for a period, became vacant, and then it was lapsed by CUPF as part of the FY22 operating budget to account for decreased revenues.

Based on stakeholder comments, CUPF desperately needs to address its internal and external communications. However, compared to other departments who communicate regularly with the public, CUPF lacks the proper position and grade to address the department's communication needs. For example, the chart below shows the positions and grades for four departments' positions who handle communications.

<i>Department</i>	<i>Job Title</i>	<i>Grade</i>
Permitting Services	Community Outreach Manager	28
Recreation	Communications Manager (Program Manger II)	25
Transportation	Strategic Communications Manager (M3)	N/A
Environmental Protection	Communications Manager (M3)	N/A

OLO is recommending that Council approve the County Executive's FY23-recommended restoration of CUPF's Program Specialist. In addition, add sufficient funding to reclassify the position to a Community Outreach Manager. It is estimated the additional reclassifying funding would be \$56,000. This would account for bringing in a mid-level person with experience. If approved as part of the FY23 budget, it is recommended that the reclassification process start immediately in FY22 so the position can start in early FY23.

Recommendation # 2. Create an all-encompassing, guidebook on everything related to community use.

When performing research for the project, OLO found that CUPF's information for stakeholders was scattered through its website pages and in Interagency Coordinating Board packets. An example of a county with a central information in one place is [Anne Arundel County Public Schools Community Use of School Facilities' easy-to-follow guidebook](#) that details procedures, hours of operation, safety and security, and general standards/requirements, etc. CUPF has most of the items available on its website (outside of a safety and security policy) – but it would be easier for users to find if it were all in one place.

Recommendation # 3. Perform the before and aftercare selection with a Request for Proposals through a procurement office (either through the County or MCPS).

While CUPF has admirably administered the selection process, there have been both legal and non-legal challenges to outcomes – with the last two legal challenges causing a pause in the process in 2018. A different approach could be a procurement office performing a formal, Request for Proposals that specifically outlines the applying childcare provider's expectations and costs to the County and/or MCPS – similar to the RFPs administered at all other studied jurisdictions through their respective procurement departments.

If the Council wishes, it could also include requirements such as setting ranges of fees for students. Furthermore, the RFP could include standardized expectations/guidelines for providers – including how much of a discount they are allowed to give students of MCPS teachers, first responders, etc.

The RFP process can vary, depending on County and MCPS needs. The RFP process could be two steps, in which all providers apply first to be qualified and then they can apply to individual schools through a simple RFP. The RFP process can be for each individual school. The RFP process may also combine bids with HHS and/or MCPS childcare programs or even combine multiple schools (to help cover costs at non-profitable schools).

Recommendation # 4. Consider a comprehensive study that goes beyond the proposed RFP fee study from 2019.

All RFP requirements from 2019 should still occur, but *even more* could be studied/analyzed. Beyond the market survey, fee assumptions review, reimbursement rate assessment, expenditure history review, and interviews on existing policies/fees, the following can be explored:

- What would need to change to create a uniform user group across all facilities?
- How can the fee structure be easier for users to understand?
- What fees would look like if reduced or free use was incorporated, with funding contributions from the County and MCPS to cover the reduced or free use?
- What the costs are to maintain fields (MCPS, County, and Parks) and the appropriate fees needed?
- Whether MCPS facility use fees should go directly to MCPS (like Parks, using the new RecTrac software) and if MCPS should then reimburse CUPF?
- Whether the current reimbursement setup is efficient for all parties involved?
- Whether MCPS and the County should have their own separate community use departments, like other jurisdictions?

- What the recommended funding structure should be (enterprise, general funds, or both), based on an expanded review of jurisdictions beyond the scope of this OLO project?

Discussion Item # 1. Determine what type of department CUPF should be. Is it solely an enterprise department? Or is it providing a public service, such as libraries, and fees are not expected to cover all costs?

As stated earlier in the report, providing free use or reduced fees at CUPF has been at odds with balancing the budget solely using enterprise funds. Similar jurisdictions such as Fairfax County Public Schools, Orange County Public Schools, or Loudoun County Public Schools are general fund-based; they do charge fees, but the fees are not intended to completely cover all their expenses.

Discussion Item # 2. Consider all options available to address affordable before and after school childcare.

Based on how the County and organizations responded to childcare needs during the pandemic and how other jurisdictions address their low-income students and families, explore assistance options, such as:

- Remove facility fees at high FARMS and Title I schools but providers must adhere to lower, uniform rates.
- Create assistance directly through the before and after school program administrator, with an easy-to-follow process; the following options may be exclusive of each other:
 - Require a portion of provider revenues go towards a scholarship program.
 - Require a before and after school scholarship program without provider revenues.
 - Require a sliding scale fee system for all providers.
- Provide before and after school childcare transportation.
- Apply for more school or County administered 21st Century grants through the State of Maryland or other grants available for before and after school care. MCPS noted that administering more grants would require additional staff.

Chapter 9. Agency Comments

The Office of Legislative Oversight (OLO) shared final drafts of this report with staff from Montgomery County Government, Montgomery County Public Schools, and the Maryland-National Capital Park and Planning Commission. OLO appreciates the time taken by agency staffs to review the draft report and to provide technical feedback. This final report incorporates technical corrections and feedback received from agency staffs.

The written comments received from the Montgomery County Chief Administrative Officer are attached in their entirety on the following pages.



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Richard S. Madaleno
Chief Administrative Officer

MEMORANDUM

April 19, 2022

TO: Chris Cihlar, Director
Office of Legislative Oversight

FROM: Richard S. Madaleno, Chief Administrative Officer *RSM*

SUBJECT: Draft OLO Report 2022-5: Community Use of Public Facilities

Thank you for the opportunity to comment on the Office of Legislative Oversight's (OLO) Report 2022-5: Community Use of Public Facilities.

As the report indicates, Community Use of Public Facilities (CUPF) has already done a great deal of work to collaborate with many users and stakeholders who benefit from the services that CUPF provides. During the pandemic, much was accomplished to establish a strong partnership with childcare providers. This enabled community members like first responders, health care workers, and other essential personnel to have childcare services. The continual efforts of CUPF to work closely with MCPS and childcare providers ensure health and safety standards are met. Facilitating the use of schools for childcare during a period when they are closed for other uses establishes a safe environment. CUPF also worked to ensure that outdoor facilities were made available for community use during the pandemic. This gave children and families access to recreational resources while relieving stress and providing healthy outlets. These successes during the pandemic were only possible because of a successful long-standing relationship between CUPF and MCPS.

Though the MOU in place between the County and MCPS relating to reimbursements expired in 2018, the reimbursements owed to MCPS have been paid through FY20. In FY21 at the CAO's request, MCPS forgave the reimbursements totaling \$2,587,415.00. A forgiveness of payment request has also been made for payments due in FY22 totaling \$2,203,634.00. To date, MCPS has not determined how it will handle this request. Upon a new MOU being put into place, CUPF will be able to pay the newly determined amount owed MCPS.

Draft OLO Report 2022-5: Community Use of Public Facilities

April 19, 2022

Page 2 of 3

It is important to note that some of the shortfalls mentioned by the stakeholders or through conclusions drawn in the report are not matters under the control of CUPF. An example is the interrupted re-bid process for the selection of childcare providers in public schools. CUPF is solely involved to provide administrative support to MCPS in the operation of their childcare program. The program operations providing childcare services for MCPS students and families are discretionary to MCPS.

The draft report includes the following recommendations:

Recommendation #1: Reclassify the Program Specialist who handles CUPF outreach and communications to a Community Outreach Manager or a Communications Manager, to improve CUPF's internal and external communications.

CAO Response: CUPF staff has been working with OMB to discuss the possibility of reclassifying this position. There has been no final decision or recommendation from CUPF to OMB for this plan to be considered as part of the County Executive's budget proposal. CUPF will continue to assess its needs and priorities, and in coordination with OMB and OHR, may consider this reclassification.

Recommendation #2: Create an all-encompassing, guidebook on everything related to community use.

CAO Response: While CUPF has many publicly available resources, we agree that a comprehensive guidebook could be of value to the public. CUPF will work with the Interagency Coordinating Board (ICB) to review the feasibility of creating this interagency guide.

Recommendation #3: Perform the before and aftercare selection with a Request for Proposals through the Office of Procurement.

CAO Response: It is important to note that the childcare re-bid selection process and the provision of childcare services are solely MCPS operations. Should MCPS conduct the re-bids through a procurement process, their Procurement Office will handle the process. The Montgomery Office of Procurement would not be involved in any aspect of the procurements.

Recommendation #4: Consider a comprehensive study that goes beyond the proposed RFP fee study from 2019.

CAO Response: CUPF has reinstated a request made to the Office of Procurement in 2019 to reopen the RFP process for the purpose of trying to obtain bids for proposals. The earlier attempt made at the beginning of the pandemic was not successful in attracting qualified bidders for the study. In addition to working with Procurement, CUPF will participate in the Summer Fellows Program sponsored by the County Council. The two Fellows assigned to CUPF will develop data and information from outside sources regarding the permitting fees for fields as well as schools.

Draft OLO Report 2022-5: Community Use of Public Facilities
April 19, 2022
Page 3 of 3

This data will be available for use by CUPF and, if necessary, to any contractor hired through the RFP for making recommendations about CUPF fee schedules. Should CUPF and the ICB not be able to develop a fee schedule from the Fellows' work, CUPF will have the option of engaging the RFP process for a more comprehensive study. This study would be performed by a successful bidder using information from both CUPF and the Summer Fellows.

We look forward to discussing these items further at the upcoming Council work session.

RM/rbp

cc: Fariba Kassiri, Deputy Chief Administrative Officer
Ken Hartman, Director of Strategic Partnerships, Office of the County Executive
Ramona Bell-Pearson, Director, Community Use of Public Facilities
Jennifer Bryant, Director, Office of Management and Budget

Appendices

List of Appendices

Appendix	Title	Begins at
A	• CUPF Fee Schedules	85
Before and After School Childcare Selection Process RFP Excerpt Examples		
B	• Request for Proposals – Baltimore County Two-Step Process	94
C	• Request for Proposals – Frederick County One-Step Process	98
D	• Request for Proposals – Orange County Stated Provider Costs	101
E	• Request for Proposals – Prince George’s County Fee Restrictions	101

A. CUPF Fee Schedules

Athletic Fields

Field Type		Hourly Fee	
<input type="checkbox"/> PRACTICE AND GAME USE AT: <input type="checkbox"/> M-NCPPC Local/Neighborhood Park Fields <input type="checkbox"/> MCPS Fields* <input type="checkbox"/> MCRD Fields		\$7.00 \$5.00 \$5.00	\$9.00 \$5.00 \$5.00
* Commercial/For-profit organizations may reserve elementary/middle school fields at \$10/hour			
<input type="checkbox"/> M-NCPPC Regional/Recreational Park Fields – GAME USE ONLY <ul style="list-style-type: none"> Youth (Under 18) Youth (Under 18), with lights Adults (18 and over) Adults (18 and over), with lights 		\$17.00 \$32.00 \$25.00 \$40.00	\$18.00 \$33.00 \$27.00 \$42.00
<input type="checkbox"/> MCPS Synthetic Turf Fields** <ul style="list-style-type: none"> Non-profit/County residents Non-profit/County residents, with lights Commercial/Non-County residents Commercial/Non-County residents, with lights 		\$125.00 \$160.00 \$200.00 \$235.00	\$125.00 \$160.00 \$200.00 \$235.00
<input type="checkbox"/> M-NCPPC Synthetic Turf Fields <ul style="list-style-type: none"> Non-profit/County residents Non-profit/County residents, with lights Commercial/Non-County residents Commercial/Non-County residents, with lights 		\$100.00 \$135.00 \$150.00 \$185.00	\$110.00 \$145.00 \$180.00 \$215.00
<input type="checkbox"/> Field Camps <ul style="list-style-type: none"> M-NCPPC, MCPS and MCRD Non-profit/Camp*** M-NCPPC, MCPS and MCRD For-profit/Camp*** 		\$24.50 \$25.00	
<i>Summer and school-break camps, clinics and other activities of a programmatic nature not sponsored by public recreation agencies.</i>			
<u>Minimum hours per use</u> <ul style="list-style-type: none"> Monday – Friday 2 hours Saturday/Sunday/Holidays 3 hours Camps/Clinics 4 hours 			
**Additional staffing costs and Certificate of Insurance required. Contact CUPF directly for availability information prior to submitting a request.			
***Additional mandatory requirements for M-NCPPC camp use, please contact M-NCPPC for additional information.			

<input type="checkbox"/> MCPS High School Stadium Fields (excluding synthetic turf stadium fields) <ul style="list-style-type: none"> • Non-profit/County residents/Youth • Non-profit/County residents/Youth, with lights • Non-profit/County residents/Adult • Non-profit/County residents/Adult, with lights • Commercial/Non-county residents • Commercial/Non-county residents, with lights 	\$50.00 \$85.00 \$75.00 \$110.00 \$175.00 \$210.00	\$50.00 \$85.00 \$75.00 \$110.00 \$175.00 \$210.00
<p>Contact the respective school directly to request use of a high school natural grass field; CUPF may issue a permit ONLY if the requested use is approved by the school's administrative staff. Scoreboard use is not included; additional fees apply for restrooms access and staffing.</p>		
Cancellation & Adjustment Fee (excluding Large Events and Camps) with at least 10-business days' notice (see our Facility Fees page for additional information)	Each Cancellation or Adjustment	
<ul style="list-style-type: none"> • School Ball Fields • M-NCPPC Park Fields 	\$25 \$50	\$25 \$50
<p>Every application resulting in an approved permit represents a financial obligation. All requests for cancellations or adjustments must be submitted in writing and received during normal office hours. No refund of facility fees without adequate notice per the cancellation policy. Otherwise, all facility fees will be retained. No refunds or credit for permits that are not cancelled in a timely manner even if the space is not used. See CUPF website for requesting credits for inclement weather field closings procedures.</p>		

Schools

PTA, MCPS Partnerships and Government Entities				
Hourly Rates	Monday-Friday (1 hour minimum)		Saturday/Sunday/Holiday (3 hour minimum)	
Room Type	Before 6:00 pm	After 6:00 pm	First Room	Additional Rooms
				Simultaneous use
APR, Cafeteria, Other	\$10.50	\$12.50	\$24.00	\$20.00
Kitchen*	\$40.25	\$42.00	\$56.00	N/A
Gym	\$10.50	\$11.50	\$24.00	\$20.00
Classroom	\$7.00	\$8.50	\$23.00	\$20.00
5+ additional classrooms each. First room at regular rate				\$10.00
Auditorium*	\$147.00	\$157.00	\$160.00	N/A
<p>Groups included in this category</p> <ul style="list-style-type: none"> Public recreation classes, camps and activities (Montgomery County Recreation Department and municipal recreation departments of Takoma Park, Rockville, Gaithersburg). City, County, State, Federal and other government agency meetings/programs. MCPS partnerships with government agencies and universities for staff development after hours – specific contract provisions apply. PTA partnerships where PTA assumes all liability to include insurance, ADA and Civil Rights compliance for any sponsored groups. An administrative fee will be charged for field use. Note: MCCPTA insurance does not cover school based PTA programs with for-profit entities. PTA, MCPS Partnerships with Universities and Government Entities rates apply to MCPS partnerships. Schools assume all liabilities to include insurance, ADA and Civil Rights compliance for any sponsored groups. MCPS Partnerships with for-profit entities pay for profit rates. 				

Non-Profit Organizations, Community Groups

Hourly Rates	Monday-Friday (1-hour minimum)		Saturday/Sunday/Holiday (3-hour minimum)	
Room Type	Before 6:00 pm	After 6:00 pm	First Room	Additional Rooms
				Simultaneous use
APR, Cafeteria, Other	\$11.00	\$18.50	\$40.00	\$20.00
Kitchen*	\$41.00	\$48.00	\$56.00	N/A
Gym	\$11.00	\$17.00	\$40.00	\$20.00
Classroom	\$7.00	\$8.50	\$32.50	\$20.00
5+ additional classrooms each. First room at regular rate				\$10.00
Auditorium*	\$147.00	\$157.00	\$160.00	N/A

Groups included in this category

- Non-profit organizations
- Informal community groups, e.g., garden clubs, informal/local sports groups, etc. formed for non-profit purposes.
- Informal Users – Not for personal gain.
- Non-County businesses, groups and individuals not located and/or serving Montgomery County will be charged an additional administrative fee: \$25.00 per day on weekdays; \$50.00 per day on weekends and holidays.

For Profit Organizations

Hourly Rates	Monday-Friday		Saturday/Sunday/Holiday	
	1 Hour minimum		3 Hour minimum	
Room Type	Before 6:00pm	After 6:00pm	First Room	Additional Rooms
				simultaneous use
APR, Cafeteria, Other	\$12.00	\$20.25	\$50.00	\$26.00
Kitchen*	\$42.00	\$50.00	\$59.00	N/A
Classroom	\$9.00	\$14.50	\$42.00	\$26.00
Gym	\$13.50	\$22.50	\$50.00	\$26.00
Auditorium*	\$155.00	\$167.50	\$180.00	N/A

Groups included in this category

- Enterprise activities with personal gain/benefit to individual providing direct services.
- MCPS/PTA partnership with a local for-profit entity.
- Business and other activities with business or for personal gain.
- Non-County businesses, groups and individuals not located and/or serving Montgomery County will be charged an additional administrative fee: \$25.00 per day on weekdays; \$50.00 per day on weekends and holidays.

Camps Operating During Summer

Room Type	Non-Profit	For-Profit	Saturday/Sunday/Holiday		
		Monday -Friday until 6:00 pm	See Weekend Rates		
APR, Cafeteria, Gym, Other	\$22.00	\$24.00			
Kitchen*	\$41.00	\$42.00			
Classroom	\$12.00	\$14.00			
Auditorium*	\$147.00	\$155.00			
Fields w/ Indoor access to restrooms only	\$24.50	\$25.00			

*Includes required additional staff. Auditorium and kitchen must always be charged at first room rate.

Groups included in this category

- Summer and school-break camps, clinics and other activities of a programmatic nature not sponsored by public recreation agencies.
- Typically, 3+ hours, 3-5 days per week, same participants, and participation covered by single registration or considered a camp by DHHS criteria.

MSDE Licensed Before and After School Childcare Providers selected by the school

Hourly Rates	Non-Profit	For-Profit	Saturday/Sunday/Holiday
Room Type	Monday -Friday until 6:30 pm		See Weekend Rates
APR, Cafeteria, Gym, Other	\$10.50	\$11.50	
Kitchen*	\$40.25	\$41.00	
Classroom	\$7.00	\$7.50	
Auditorium*	\$147.00	\$155.00	

**Includes required additional staff. Auditorium and kitchen must always be charged at first room rate.*

Outdoor Facilities See Fee Schedule for Ballfield and Stadium fees

	Non-Profit	For Profit	
Outdoor Basketball Court per hour	\$10.00	\$15.00	
Tennis Court per hour	\$10.00	\$15.00	
Parking lot per hour	\$16.50	\$30.00	
Parking lot pick up/drop off location per permit	\$50.00	\$75.00	

Other Fees			
Staff - Hourly Rate (3-hour minimum)			
Building Services Worker	\$30.50 per hour		
Building Attendant	\$30.50 per hour		
Cafeteria Worker	\$29.75 per hour		
Media Services Technician	\$45.00 per hour		
User Support Specialist	\$45.00 per hour		
Security Staff	\$33.50 per hour		
Equipment Fees			
Audio Visuals	\$ 3.00 per hour		
Computer lab	\$50.00 per use		
Piano	\$25.00 per use		
Scoreboard Control Unit	\$2.00 per hour		
Kitchen use security deposit	\$50.00		
Non Resident Fee			
Weekday	\$25.00 per day		
Weekend	\$50.00 per day		
Administrative Fee	\$50.00		
Adjustment/amendment fee	\$25.00		
Late Fees: \$10 per month (with incremental increases of \$5 per additional \$500 owed, based on amounts 30-days past due)			
See Cancellation Policy for Cancellation and Amendment Fees			

Libraries

Room Type	Local Government Agencies Hourly Rate	Local Non-Profit Groups * Hourly Rate	Out-of-County/ For-Profit Groups Hourly Rate
Small Room	\$11	\$15	\$30
Medium Room	\$14	\$20	\$40
Large Room	\$19	\$25	\$50

* Montgomery County based non-profit organizations

Regional Services Centers

Room Type	Local Government Agencies Hourly Rate	Local Non-Profit Groups* Hourly Rate	Out-of-County/ For-Profit Groups Hourly Rate
Small Conference Room	\$11	\$15	\$30
Medium Conference Room	\$14	\$20	\$40
Large Conference Room	\$19	\$25	\$50
Multipurpose Room (BCC)	\$19	\$25	\$50

Silver Spring Civic Building

SILVER SPRING CIVIC BUILDING

	Hourly Montgomery County Non-profit Rate		Hourly Montgomery County Resident / Small Business Rate		Hourly Out-of-County or Commercial
	Mon-Friday	Sat-Sunday	Mon-Friday	Sat-Sunday	All times
Premier event space: Great Hall (Full): 64x79 (5,046 sq ft), ceiling height 27 ft., standing capacity 725, banquet style capacity 320, conference style capacity 320-400, theatre style capacity 590 (480/w riser). Atrium: *Atrium cannot be reserved alone, Atrium may only be reserved with Great Hall use, 23x79 (1,817 sq ft), reception capacity 100, limited use Friday-Sundays. Warming Kitchen: 21x14 (249 sq ft), no cooking on premises, warming ovens, microwaves, icemaker, refrigerators, freezer, counter space, close to loading dock.					
The Buffalo Soldiers Great Hall (Full)	\$200 p/h	\$300 p/h	\$250 p/h	\$400 p/h	\$450 p/h
The Buffalo Soldiers Great Hall (Half)	\$100 p/h	\$150 p/h	\$125 p/h	\$200 p/h	\$225 p/h
⇒ Audio/Video in Great Hall	\$100 per use	\$100 per use	\$100 per use	\$100 per use	\$100 per use
⇒ Risers in Great Hall (low stage)	\$250 per use	\$250 per use	\$250 per use	\$250 per use	\$250 per use
Atrium (Lobby)	\$35 p/h	\$40 p/h	\$40 p/h	\$45 p/h	\$60 p/h
Warming Kitchen	\$20 p/h	\$30 p/h	\$25 p/h	\$35 p/h	\$40 p/h
*Courtyard (Available with Great Hall use or entire facility use)	\$25 p/h	\$35 p/h	\$30 p/h	\$40 p/h	\$45 p/h
Large Activity Rooms: Ellsworth Room: 50x27 (1,350 sq ft), Fenton Room: 43x27 (1,161 sq ft), Spring Room: 31x46 (1,426 sq ft), standing: 100-120, conference style: 60-90.					
Fenton Room	\$40 p/h	\$45 p/h	\$45 p/h	\$50 p/h	\$75 p/h
Spring Room	\$40 p/h	\$45 p/h	\$45 p/h	\$50 p/h	\$75 p/h
Ellsworth Room (full)	\$40 p/h	\$45 p/h	\$45 p/h	\$50 p/h	\$75 p/h
Small Conference Rooms: Colesville Room or Ellsworth Room (divided): 24x27 (648 sq ft), standing: 32-60, conference style: 20-30, reception: 30-45. Courtyard: must book with other rooms (ask staff for details), 50x20 (1,000 sq ft), lighted, indoor access only.					
Ellsworth Room (divided)	\$25 p/h	\$30 p/h	\$30 p/h	\$35 p/h	\$45 p/h
Colesville Room	\$25 p/h	\$30 p/h	\$30 p/h	\$35 p/h	\$45 p/h

VETERANS PLAZA

	Hourly Montgomery County Non-profit Rate		Hourly Montgomery County Resident / Small Business Rate		Hourly Out-of-County or Commercial
	Mon—Friday	Sat—Sunday	Mon—Friday	Sat—Sunday	All times
Veterans Plaza:					
(Full)	\$125 p/h	\$175 p/h	\$150 p/h	\$225 p/h	\$225 p/h
(Lighted Pavilion Half)	\$90 p/h	\$120 p/h	\$100 p/h	\$150 p/h	\$175 p/h
(Non-Pavilion Half)	\$60 p/h	\$75 p/h	\$75 p/h	\$100 p/h	\$125 p/h
*Veterans Plaza Please note: for concerts, festivals, or live entertainment on the Plaza, event proposals must be submitted to the Operations Manager					

County Office Building and Executive Office Building

Room Type	Local Government Agencies Hourly Rate	Local Non-Profit Groups * Hourly Rate	Out-of-County/For-Profit Groups Hourly Rate
Auditorium (COB)	\$20	\$25	\$50
Auditorium (EOB)	\$25	\$35	\$70
Hearing Room (COB) - with approval	\$30	\$40	\$80
Lobby (EOB)	\$19 + \$100 deposit	\$25 + \$100 deposit	\$50 + \$100 deposit
Cafeteria (COB)	\$20 + \$100 deposit	\$25 + \$100 deposit	\$50 + \$100 deposit
Cafeteria (EOB)	\$35 + \$100 deposit	\$50 + \$100 deposit	\$100 + \$100 deposit
Circuit Court Plaza (EOB)	-	\$50	\$100
Conference Room (COB & EOB)	\$11	\$15	\$30
Jury Parking Lot (Rt. 28 & Monroe St.)	\$12	\$16.50	\$33

Staff Charges	Hourly Rate
Security Staff - required for the following: <ul style="list-style-type: none"> Groups larger than 100 Events serving food Events including youths After 4 p.m. Saturday and Sunday 	\$40/hr
Building staff - may apply depending on the event	\$29.50/hr

Clarksburg Cottage

Fees

Local Government agencies	\$15.00 per hour
Local Non-profit groups *	\$20.00 per hour
Out-of-County or For-profit groups	\$40.00 per hour

* Montgomery County based non-profit organizations

B. Request for Proposals – Baltimore County Two-Step Process

Step I (Obtain Qualified Providers)

Scope of Services

Solicitation Number: JME-500-22

Part II: Specifications--General Requirements

(If there is a discrepancy between specifications of Part I: General Terms and Conditions and Part II: Specifications--General Requirements: Part II specifications shall prevail)

1.0 General Scope & Services

- 1.1 This solicitation is being offered to qualify and select organization to furnish before and after child care services for school-aged children who are enrolled and attending Baltimore County Public Schools (BCPS). The period of qualification is for five (5) years, beginning August 1, 2022 and ending June 30, 2027. Organizations who were previously qualified must submit proposals and be selected to continue partnering with BCPS. Only those organizations qualified under this proposal will be eligible to provide child care services to BCPS in calendar years 2022 through 2027. Organizations not qualified under this proposal may not solicit any business with any school or office location directly. The requirements outlined herein are intended as aid to acquaint Offerors with what could be required to execute the work on this contract. These specifications will serve as the source document for services for the term of the contract.
 - 1.1.1 The following criteria must be met by all offerors submitting proposals:
 - 1.1.1.1 Proof of non-profit status as defined by 501(3)(c).
 - 1.1.1.2 Current CPR/AED training certificate for Site Director.
 - 1.1.1.3 Good standing with Maryland State Department of Education.
 - 1.1.1.4 Evidence of timely payments to BCPS.
 - 1.1.1.5 Certificate of Insurance in accordance with these specifications.
- 1.2 This is an Indefinite Delivery / Indefinite Quantities (IDIQ) contract. The services and/or materials intended for purchase are based upon future needs of the system and are pending allocation of funds and approval of award by the Board of Education of Baltimore County. BCPS reserves the right to authorize/order services and/or materials as may be required during the contract period and, also, reserves the right to not authorize/order any services and/or materials. BCPS does not guarantee that any dollar amount will be met or exceeded, nor can BCPS guarantee any minimum dollar amount to any Contractor(s).
- 1.3 All proposals shall be submitted on the proposal forms provided by BCPS. All blank spaces shall be filled in, in ink and properly signed.
- 1.4 BCPS may withdraw this solicitation at any time prior to the actual opening of the bids.
- 1.5 The Offerors agree to hold their prices, under the same terms and conditions, for a period of one-hundred twenty (120) calendar days from the date of the bid opening.
- 1.6 At the time of the opening of bids, each Offeror will be presumed to have read and to be thoroughly familiar with the specifications and related documents

Solicitation Number: JME-500-22

(including all Addenda). The failure or omission of any Offeror to receive or examine any form, instrument, or document, shall in no way relieve any Offeror from any obligation in respect of his bid. It is the Offeror's responsibility to verify that they have received all addenda that have been issued prior to submission of their proposal.

- 1.7 Any omissions, errors, conflicts, or discrepancies in this document shall be called to the attention of the BCPS Purchasing Agent and/or the Office of Purchasing immediately.
- 1.8 Offerors providing incomplete and/or inaccurate information to BCPS are subject to immediate termination of contract and/or rejection of their proposal/bid as non-responsive.
- 1.9 Offerors are solely responsible for their expenses, if any, in preparing a response to this solicitation.
- 1.10 Time is of the essence.

Step II (Bid for Individual School)

General Requirements

SPECIFICATIONS--GENERAL REQUIREMENTS

1.0 General Scope & Services

- 1.1 The specifications that follow are being offered to select a before and after childcare provider for XXXX School.
- .1 All services must be provided at the school at XXXX.
- 1.2 Proposals shall respond to the specific evaluation criteria listed below. Responses shall be complete as to eliminate the need for additional discussion. When possible sample program information, communication and schedules shall be provided.

2.0 Inspection of Site

- 2.1 The site will not be available for inspection prior to proposal submission.

3.0 Evaluation Criteria

- 3.1 Selections will be made through an evaluation committee at the individual school.
- 3.2 The evaluation team will review proposals for the following criteria:

Item #	Description	Maximum Score
1	Do the educational program and additional educational experiences offered meet the needs of my students?	25
2	Do the hours proposed for the program meet the needs of our parents?	15
3	To what extent does the program offer childcare after hours for school events/ meetings?	5
4	To what extent does the plan for regular communication meet the needs of the parents?	15
5	To what extent does the plan for regular communication meet the needs of the principal?	10
6	Does the ratio proposed for teachers to students support student needs?	10
7	Does the daily student schedule include homework and active time in adequate portions?	20
8	Does the provider offer a full day summer program	5
9	Does the cost for the program meet the needs of the parents?	15
10	In the event of unplanned early dismissal, do the services offered by the provider to assist in parent notification meet the needs of the school?	5
	Total Score	125

- 3.3 No other criteria may be used in the selection process.

- 3.4 In the event of a tie score additional parent input may be considered.

4.0 Term

- 4.1 The selection term will be from August 15, 20__ to August 14, 20__.
- 4.2 The selection term may not exceed five (5) years.
- 4.3 BCPS reserves the right to select a new provider at any time deemed in the best interest of BCPS in the opinion of BCPS.

5.0 Method of Award of Contract

- 5.1 Method of award will be to the bidder(s) offering the most favorable proposal.

6.0 Inquiries During Selection Process

- 6.1 No interpretation of the meaning of the specification documents will be made to any bidder orally. To be given consideration, inquiries must be received at least four (4) business days prior to the date fixed for the due date, so that they may be responded to in a timely fashion.
- 6.2 Any inquiries shall be IN WRITING to: Melanie Webster. Inquiries shall be e-mailed to: mwebster@bcps.org and not called into the office in the form of a telephone message.
- 6.3 No inquiries or communication will be accepted by school personnel during the proposal and evaluation process. All proposing vendors will be notified of the school's decision via e-mail once the evaluation is complete.

7.0 Proposal Submission

- 7.1 Return of proposals to: BALTIMORE COUNTY PUBLIC SCHOOLS
XXXX School
School Street Address
School City, MD XXXXX
- .1 A complete proposal package shall include 1 hard copy and one (1) electronic copy on a flash drive delivered the main office at the above address no later than the specified due date and time.
- 7.2 Proposals received after the published due date/due time will be rejected as non-responsive.

END OF SPECIFICATIONS--GENERAL REQUIREMENTS

C. Request for Proposals – Frederick County One-Step Process

Specific Terms and Conditions

1. SCOPE AND CONTRACT PERIOD

- a. This solicitation is to establish a contract with one certifiable non-profit organization interested in establishing a Before, After School and Summer Child Care Program at any elementary school that may become available during the 2021-2024 contract term.
- b. Only non-profit organizations are eligible to bid per FCPS Regulation 100-1, Rental of Frederick County Public Schools Facilities (Attachment 3) and the Annotated Code of Maryland regulating education states in Section 7-109 (a) (1): [Each county board] shall give priority to nonprofit day care programs for use of public-school facilities before and after school hours.]
- c. At this time, two new elementary schools will open in August 2021:
 - Blue Heron Elementary
7100 Eaglehead Drive
New Market, MD 21774
Amy Schwiegerath, Principal
 - Urbana Elementary
3554 Urbana Pike
Frederick, MD 21704
Tracy Hilliard, Principal
- d. The remaining 31 FCPS elementary schools have assigned Providers (Attachment 1). A few elementary schools have never been able to sustain a program due to their small enrollment.
- e. This solicitation does not apply to FCPS Charter schools. They may select their own Providers.
- f. The Provider awarded this RFP also will be required to sign an Agreement for each awarded site no later than July 31, of the initial year of the Agreement. A draft of the Agreement is enclosed for information and is subject to minor changes prior to issuance. It is the same document that all Providers sign at the beginning of a new term. (Attachment 2)
- g. The Purchasing Department will coordinate the signing of Agreements and will distribute copies after completion.
- h. Any supplemental terms and conditions that are mutually agreed to by the Principal and the Provider and that do not violate the terms of this agreement should be attached.

2. CONTRACT TERMS

- a. The Provider is expected to establish and maintain a program at each site as long as there is a minimum of 15 students registered. If a Provider closes a program or fails to open a program that has a minimum of 15 students, FCPS retains the right to contact other existing qualified nonprofit Providers in an effort to establish a program for that site.
- b. It is the intention of FCPS that a Provider offer year-round before and after school and summer care services. If Summer Academy, construction or other situations arise that would take priority over the childcare service program at a given site, the Provider will be notified in as timely a manner as possible. However, under these circumstances FCPS is not obligated to provide a site for the Provider.

- c. A Provider may consolidate their services at one or more centrally located school sites during extended holidays and/or during the summer, as necessary, to guarantee proper supervision and maintain program quality. If requested by the Provider, the FCPS Contract Administrator will liaise with the site Principals and the Provider(s) to work out any problems that may arise due to these situations.
- d. Proof of applicable insurance coverages are required to be sent by the Provider annually to the attention of the purchasing department.
- e. Providers are expected to meet with the Principals at least annually to review program expectations and maintain open communications.
- f. If performance related issues arise they should be brought to the attention of the Purchasing Contract Manager and Contract Administrator who will coordinate resolution as necessary.
- g. After notifying the Principal of their intent to do so in May of each year, the Provider should notify parents of their offering for summer care and for the following school year. The cost for printing this notice will be borne by the program operator.
- h. Each summer, Purchasing will notify the FCPS Web Content Coordinator of any changes to the list of Providers, their contact information and the schools they serve.

3. CHILDCARE PHILOSOPHY

FCPS has adopted the following philosophy that defines a quality program for school age children. The Providers' philosophy must be consistent with our own:

- The program should complement, not replace the home and school, augmenting and enriching what each of these institutions can provide.
- Childcare hours should be offered to provide maximum flexibility and choice for parents, with operating hours beginning at 6:30 AM until the start of the school day; and from the end of the school day to 6:00 PM.
- Students must have the opportunity to work on homework assignments.
- The program must be rooted in an understanding of children's varying development needs.
- The program must provide the kind of environment that allows children of a wide range of ages and diversity to engage in appropriate and meaningful activities, providing quality alternatives to self-supervision for children.
- The program should be an open-ended setting that allows children to master their own interests and use free time creatively.
- Although the activities will vary, choice is an essential ingredient.
- Programs should contain activities and experiences that respect and address individual differences.
- Quality programs depend primarily on quality staff; quality staff depends primarily on staff training and education.
- Students must be supervised at all times.

4. PREPARATION OF PROPOSAL

- a. Due to possible changes and/or additions to the solicitation package, FCPS requests that bidders delay submission of their bid package until after the date that questions are due to allow time for the possible issuance of an addendum. All changes will be processed through appropriate addenda.
- b. The Technical and Fee proposals will be submitted on-line via ProcureNow (<https://secure.procurenow.com/portal/fcps>).

- c. Technical Proposal:
 - i. The Technical Proposal will include the following forms completed:
 - Signature Page
 - Statutory Affidavit and Non-Collusion Certification
 - Certification of Compliance
 - Vendor Conflict of Interest Disclosure Form
 - Questionnaire
 - Supporting documents
 - Fee Proposal
5. EVALUATION CRITERIA AND AWARD
- a. A committee of FCPS staff will independently review and evaluate each technical proposal.
 - b. The process for determining which vendor(s) to approve may take the form of either a questionnaire, interview, and/or site visit, and includes appraisals of various aspects of the supplier's business including capacity, financials, quality assurance, organizational structure and processes and performance.
 - c. 100 points will be assigned for the technical proposal and will be assigned as follows:
 - Business Structure - 35
 - Qualification and Training - 15
 - Licensing and Insurance - 15
 - Legal Issues and Financials - 10
 - Value Added Services - 10
 - References - 15
 - d. Points will be deducted for incomplete or missing responses, or responses that do not follow the required format. Extraneous marketing materials or irrelevant information is not to be submitted.
 - e. Based on the information obtained via the evaluation, a supplier is scored and is either approved or not approved as one from whom to procure these services. There may be an approved supplier list to which a qualified supplier is then added.
 - f. If not approved, the supplier will not be considered further in the fee review.
 - g. Fee proposals will not be assigned points because the cost of the services is borne by the parents who utilize these services.
 - h. An interview may be required to obtain more information prior to recommendation for award, and additional points may be assigned or deducted.
 - i. Any technical questions pertaining to licensing issues will be referred to the State Licensing Department

D. Request for Proposals – Orange County Stated Provider Costs

Scope of Work Requirement

- 2.1.3 Uniform range of fees for program services—not to exceed 20% of district fee schedule (see Appendix I). Fees shall include a morning only and afternoon only rate as well as combination rate.
- 2.1.3.1 Provider shall remit to OCPS thirteen percent (13%) of the gross revenues generated from these services by the 15th of each month for services provided the previous month. Breakdown of 13% is as follows: 8.5% to school where program is housed, 1.5% to Administrative Operations, and 3% to School Age Services Department.
- 2.1.3.2 In addition, Providers that apply for and receive a grant in lieu of parents' payment shall remit to OCPS 3% of what would have been revenue of total student enrollment.

E. Request for Proposals – Price George's County Fee Restrictions

Scope of Work Requirement

4.7 Program Fee Requirements

All successful Respondents will be required to adhere to the following program financial requirements

- 4.7.1 Begin with and maintain a rate not to exceed \$100 per week for a period of two years. After the initial two year period, an increase of 5% per two year period may be requested with a letter of justification submitted to the PGCPs BA Liaison. Approval must be granted by the Chief Financial Officer for PGCPs.
- 4.7.2 Vendors must offer a discount for families with multiple students.